



भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि, भाव और कंपनी कार्य मंत्रालय
(कंपनी कार्य विभाग)

नई दिल्ली, 30 दिसम्बर, 1992

टिप्पणी :- पृष्ठ अधिसूचना सा. का. नि. संख्या 978 दिनांक
29 मई, 1993 को अधिसूचना की गयी थी और तत्पश्चात् संशोधित
की गयी :-

का. प्रा. 123--केन्द्रीय सरकार, कंपनी अधिनियम, 1956 (1956
का 1) का धारा 620 क की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त
अभिव्यक्तियों का प्रयोग करते हुए, जिस बैलिफिट फंड लिमिटेड को,
जिसका रजिस्ट्रिकृत कार्यालय तमिलनाडु राज्य में गोरंतला निलयम, 5,
सर स्वायराया रोड, टी नगर, मद्रास-600017 में है, एक निधि घोषित
करती है और यह निदेश देती है कि भारत सरकार के वाणिज्य और
उद्योग मंत्रालय (कंपनी विधि प्रणाली विभाग) की अधिसूचना संख्या सा.
का. नि. 978 तारीख 29 मई, 1993 को अनुसूची 3 के स्तंभ (1)
में विनिर्दिष्ट उक्त अधिनियम के उपबंध उक्त निधि की नावु नहीं होंगे
या यथास्थिति उसके स्तंभ (2) में की तत्स्थानों प्रविष्टि में विनि-
र्दिष्ट अपवादों, उपांतरणों और अनुकूलनों सहित लागू होंगे और उक्त
अधिसूचना का निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची I में मद 122 और उसके संबंधित
प्रविष्टियों के पश्चात्, निम्नलिखित मद और प्रविष्टियां जोड़ी
जाएँगी, अर्थात् :-

"123" बिल बैलिफिट फंड लिमिटेड, तमिलनाडु।"

[फा. सं. 37/1/92 यो. एल. III]

एम. आर. प्रानंद, उप सचिव

1. सा.का.नि. सं. 1684 दिनांक 11-10-62
2. सा.का.नि. संख्या 853 दिनांक 4-6-64
3. सा.का.नि. सं. 29 दिनांक 12-2-65
4. सा.का.नि. सं. 1332 दिनांक 30-3-65
5. सा.का.नि. सं. 111 दिनांक 14-1-66
6. सा.का.नि. सं. 1543 दिनांक 1-10-66
7. सा.का.नि. सं. 607 दिनांक 29-4-67
8. सा.का.नि. सं. 608 दिनांक 29-4-67
9. सा.का.नि. सं. 1466 दिनांक 6-6-69
10. सा.का.नि. सं. 2707 दिनांक 18-11-69
11. सा.का.नि. सं. 1306 दिनांक 27-7-71
12. सा.का.नि. सं. 1 दिनांक 21-12-75
13. सा.का.नि. सं. 390 दिनांक 12-6-74
14. सा.का.नि. सं. 275 दिनांक 14-2-75
15. सा.का.नि. सं. 409 दिनांक 20-3-75
16. सा.का.नि. सं. 1300 दिनांक 11-9-76
17. सा.का.नि. संख्या 426 दिनांक 8-3-78

18. सा.का.नि. सं. 728 दिनांक 28-4-78
19. सा.का.नि. सं. 1296 दिनांक 4-10-79
20. सा.का.नि. सं. 1100 दिनांक 9-10-80
21. सा.का.नि. सं. 1099 दिनांक 9-10-80
22. सा.का.नि. सं. 164 दिनांक 10-2-83
23. सा.का.नि. सं. 843 दिनांक दिनांक 19-11-83
24. सा.का.नि. सं. 844 दिनांक 19-11-83
25. सा.का.नि. सं. 217 दिनांक 25-2-81
26. सा.का.नि. सं. 231 दिनांक 20-2-85
27. सा.का.नि. सं. 21 दिनांक 24-12-85
28. सा.का.नि. सं. 275 दिनांक 3-3-85
29. सा.का.नि. सं. 306 दिनांक 11-4-86
30. सा.का.नि. सं. 70 दिनांक 22-6-86
31. सा.का.नि. सं. 961 दिनांक 24-10-86
32. सा.का.नि. सं. 353 दिनांक 22-4-87
33. सा.का.नि. सं. 365 दिनांक 22-4-87
34. सा.का.नि. सं. 430 दिनांक 20-5-87
35. सा.का.नि. सं. 593 दिनांक 31-7-87
36. सा.का.नि. सं. 597 दिनांक 31-7-87
37. सा.का.नि. सं. 921 दिनांक 10-11-87
38. सा.का.नि. सं. 927 दिनांक 3-12-87
39. सा.का.नि. सं. 264 दिनांक 5-4-89
40. सा.का.नि. सं. 479 दिनांक 18-6-88
41. सा.का.नि. सं. 515 दिनांक 25-6-88
42. सा.का.नि. सं. 592 दिनांक 15-7-88
43. सा.का.नि. सं. 596 दिनांक 15-7-88
44. सा.का.नि. सं. 598 दिनांक 15-7-88
45. सा.का.नि. सं. 800 दिनांक 22-9-88
46. सा.का.नि. सं. 961 दिनांक 17-12-88
47. सा.का.नि. सं. 32 दिनांक 6-12-88
48. सा.का.नि. सं. 959 दिनांक 17-12-88
49. सा.का.नि. सं. 960 दिनांक 17-12-88
50. सा.का.नि. सं. 318 दिनांक 6-5-89
51. सा.का.नि. सं. 501 दिनांक 24-7-89
52. सा.का.नि. सं. 502 दिनांक 22-7-89
53. सा.का.नि. सं. 640 दिनांक 22-8-89
54. सा.का.नि. सं. 650 दिनांक 22-8-89
55. सा.का.नि. सं. 651 दिनांक 22-8-89
56. सा.का.नि. सं. 844 दिनांक 25-10-89
57. सा.का.नि. सं. 102 दिनांक 5-2-90
58. सा.का.नि. सं. 241 दिनांक 29-3-90
59. सा.का.नि. सं. 302 दिनांक 16-4-90
60. सा.का.नि. सं. 203 दिनांक 10-5-90
61. सा.का.नि. सं. 514 दिनांक 30-7-90
62. सा.का.नि. सं. 515 दिनांक 7-8-90
63. सा.का.नि. सं. 3052 दिनांक 7-10-90
64. सा.का.नि. सं. 782 दिनांक 13-12-90
65. सा.का.नि. सं. 783 दिनांक 13-12-90

66. सा.का.नि. सं. 784 दिनांक 13-12-90
67. सा.का.नि. सं. 314 दिनांक 30-4-91
68. सा.का.नि. सं. 2146 दिनांक 26-7-91

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Company Affairs)

New Delhi, the 30th December, 1992

S.O. 123.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 620A of the Companies Act, 1956 (1 of 1956), the Central Government hereby declares Bliss Benefit Fund Limited, having its registered office at Gorantla Nilayam, 5, Sir Thyagaraya Road, T. Nagar, Madras-600017 in the State of Tamilnadu to be a Nidhi and directs that the provisions of the said Act specified in column (1) of Schedule III annexed to the notification of the Government of India in the Ministry of Commerce and Industry (Department of Company Law Administrations) No. G.S.R. 978 dated the 28th May, 1963 shall not apply, or as the case may be, shall apply with the exceptions, modifications and adaptations specified in the corresponding entry in column (2) thereof, to the said Nidhi and makes the following amendment in the said notification, namely:—

In Schedule I to the said notification, after item 122 and the entries relating thereto, the following item and entries shall be added, namely:—

“123 Bliss Benefit Fund Limited, Tamilnadu.”

[F. No. 37/1/92-CL. III]
M. R. ANAND, Dy. Secy.

Note :—The Principal Notifications notified vide GSR No. 978 dated 29th May, 1963 and subsequently amended vide :—

1. GSR No. 1681 dated 11-10-63
2. GSR No. 853 dated 4-6-64
3. GSR No. 297 dated 12-2-65
4. GSR No. 1332 dated 30-8-65
5. GSR No. 111 dated 14-1-66
6. GSR No. 1543 dated 1-10-66
7. GSR No. 607 dated 29-4-67
8. GSR No. 608 dated 29-4-67
9. GSR No. 1466 dated 6-6-69
10. GSR No. 2707 dated 18-11-69
11. GSR No. 1306 dated 27-7-71
12. GSR No. 1 dated 21-12-73
13. GSR No. 690 dated 22-6-74
14. GSR No. 275 dated 14-2-75
15. GSR No. 409 dated 29-3-75
16. GSR No. 1300 dated 11-9-76
17. GSR No. 426 dated 8-3-78
18. GSR No. 728 dated 28-4-78
19. GSR No. 1296 dated 4-10-79
20. GSR No. 1100 dated 9-10-80
21. GSR No. 1099 dated 9-10-80
22. GSR No. 164 dated 10-2-83
23. GSR No. 843 dated 19-11-83
24. GSR No. 844 dated 19-11-83
25. GSR No. 217 dated 25-2-84
26. GSR No. 231 dated 20-2-85
27. GSR No. 21 dated 24-12-85
28. GSR No. 275 dated 3-3-86
29. GSR No. 306 dated 11-4-86

30. GSR No. 70 dated 22-6-86
31. GSR No. 961 dated 24-10-86
32. GSR No. 353 dated 22-4-87
33. GSR No. 365 dated 22-4-87
34. GSR No. 430 dated 20-5-87
35. GSR No. 598 dated 31-7-87
36. GSR No. 597 dated 31-7-87
37. GSR No. 921 dated 30-11-87
38. GSR No. 922 dated 3-12-87
39. GSR No. 264 dated 5-4-88
40. GSR No. 479 dated 18-6-88
41. GSR No. 515 dated 25-6-88
42. GSR No. 597 dated 15-7-88
43. GSR No. 596 dated 15-7-88
44. GSR No. 598 dated 15-7-88
45. GSR No. 800 dated 22-9-88
46. GSR No. 961 dated 17-12-88
47. GSR No. 32 dated 6-12-88
48. GSR No. 959 dated 17-12-88
49. GSR No. 960 dated 17-12-88
50. GSR No. 318 dated 6-5-89
51. GSR No. 501 dated 22-7-89
52. GSR No. 502 dated 22-7-89
53. GSR No. 649 dated 22-8-89
54. GSR No. 650 dated 22-8-89
55. GSR No. 651 dated 22-8-89
56. GSR No. 844 dated 25-10-89
57. GSR No. 102 dated 5-2-90
58. GSR No. 241 dated 29-3-90
59. GSR No. 302 dated 16-4-90
60. GSR No. 303 dated 10-5-90
61. GSR No. 514 dated 30-7-90
62. GSR No. 515 dated 7-8-90
63. S.O. No. 3052 dated 7-10-90
64. GSR No. 782 dated 13-12-90
65. GSR No. 783 dated 13-12-90
66. GSR No. 784 dated 13-12-90
67. GSR No. 314 dated 30-4-91
68. S.O. No. 2146 dated 26-7-91.

(2) कर-निर्धारित ऊपर उल्लिखित कर-निर्धारण वर्षों से पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हथ अथवा तरीकों से भिन्न तरीकों से इसका निधि (जेवर जवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार में प्राप्त लाभ तथा अभिलान के रूप में हो जब तक कि ऐसी कारोबार उसी कर-निर्धारित के उद्देश्य को प्राप्त के लिए प्राथमिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

अधिसूचना सं. 9121/फा. सं. 197/67/90-आयकर (नि.-1)]

शरत चंद्र, प्रथम सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 6th November, 1992

(INCOME-TAX)

S.O. 124.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arpana Trust, Madhuban, Karnal, Haryana" for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section 5 of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business

[Notification No. 9121/F. No. 197/67/90-ITA-I]

SHARAT CHANDRA, Under Secy

नई दिल्ली, 13 नवंबर, 1992

(आयकर)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 6 नवंबर, 1992

(आयकर)

का. प्रा. 124.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (32-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अर्पण ट्रस्ट मधुबन करनाल, हरियाणा, को कर-निर्धारण वर्ष 1991-92 से 1993-94 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संबन्धन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है।

का. प्रा. 125 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री मन्महा-राज निरंजन जगद्गुरु श्री मल्लिकार्जुन मुखरामेन्द्र महाश्वामिन्स श्री ब्रह्मठ, शिवदुर्ग-700502, कर्नाटक" को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसका आय का इस्तेमाल करने के लिए इसका संबन्धन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है।
- (2) कर-निर्धारित उस-उल्लिखित कर-निर्धारण वर्षों से पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक

हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

- (3) यह अधिसूचना किसी ऐसी धाय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9124/फा. सं. 197/20/92-आयकर (नि.-1)]

शरत चन्द्र, प्रवर सचिव

New Delhi, the 13th November, 1992

(INCOME-TAX)

S.O. 125.—In exercise of the powers conferred by sub-clause (V) of Clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Manmaharaja Niranjana Jagadguru Sri Mallikarjuna Murugharajendra Mahaswaminam Sri Bruhanmatha, Chitradurga-700502, Karnataka" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9124/F. No. 197/20/92-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 19 नवम्बर, 1992

आयकर

फा. धा. 126 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "केरल जेसूट सोसायटी, कालीकट, केरल" को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- कर-निर्धारित इसकी धाय का इस्तेमाल अथवा इसकी धाय का इस्तेमाल करने के लिए इसका संबन्धन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है।
- कर-निर्धारित ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

- यह अधिसूचना किसी ऐसी धाय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9131/फा. सं. 197/19/92-आयकर (नि.-1)]

शरत चन्द्र, प्रवर सचिव

New Delhi, the 19th November, 1992

(INCOME-TAX)

S.O. 126.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Kerala Jesuit Society, Calicut, Kerala" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9131/F. No. 197/19/92-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 1992

आयकर

फा. धा. 127 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सचिवालयमा ट्रस्ट, ओसियन (जोधपुर), राजस्थान" को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- कर-निर्धारित इसकी धाय का इस्तेमाल अथवा इसकी धाय का इस्तेमाल करने के लिए इसका संबन्धन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है।
- कर-निर्धारित ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- यह अधिसूचना किसी ऐसी धाय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9136/फा. सं. 197/103/92-आयकर (नि.-1)]

शरत चन्द्र, प्रवर सचिव

New Delhi, the 25th November, 1992

(INCOME-TAX)

S.O. 127.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sachiyamataji Trust, Osian (Jodhpur), Rajasthan" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9136/F. No. 197/103/92-ITA-I]
SHARAT CHANDRA, Under Secy.

मुख्यालय स्थापना

नई दिल्ली, 26 नवम्बर, 92

का. प्रा. 128 :—केन्द्रीय सरकार, केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) के खण्ड-5 उपखण्ड (2) में प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय राजस्व सेवा (घाय-कर) के अधिकारी, श्री ए. एन. मिश्रा को, जो इससे पूर्व मुख्य घाय-कर आयुक्त (केन्द्रीय) उत्तर दिल्ली, के रूप में तैनात थे, दिनांक 24 नवम्बर, 1992 पूर्वाह्न से और अगला आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य नियुक्त करती है।

[का. सं. ए 19011/5/92—प्रशा.-1]

रमेश कुमार, सचिव

HEADQUARTERS ESTABLISHMENT

New Delhi, the 26th November, 1992

S.O. 128.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri A. N. Misra an officer of the Indian Revenue Service (Income-tax) and formerly posted as Chief Commissioner of Income-tax (Central), North, Delhi, as Member of the Central Board of Direct Taxes with effect from the forenoon of the 24th November, 1992 and until further orders.

[F. No. A. 19011/5/92-Ad. I]
RAMESH KUMAR, Under Secy.

आदेश

नई दिल्ली, 29 दिसम्बर, 1992

स्टाम्प

का. प्रा. 129 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा रोलेटनेस लि., नई दिल्ली को मात्र एक लाख बारह हजार पाँच सौ रुपये का समेकित स्टाम्प शुल्क प्रदा करने की अनुमति प्रदान करती है जो कि उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र एक करोड़ और पचास

लाख रुपये के कुल मूल्य के सौ-सौ रुपये के अंकित मूल्य के 1,55,000 विमोक्ष्य सुरक्षित अपरिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क प्रभाय है।

[सं. 30/92-स्टाम्प पत्र सं. 33/37/92—वि. क.]

ठाकुर दत्त, उप सचिव

ORDER

New Delhi, the 29th December, 1992

STAMPS

S.O. 129.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Rollatiners Limited, New Delhi, to pay consolidated stamp duty of rupees one lakh, twelve thousand and five hundred only, chargeable on account of the stamp duty on 1,50,000 Redeemable Secured Non-Convertible Debentures of the face value of Rs. 100 each of the aggregate value of rupees One crore and fifty lakhs only to be issued by the Company.

[No. 30/92-Stamp/F. No. 33/37/92-SI]

THAKUR DATT, Dy. Secy.

आदेश

नई दिल्ली, 29 दिसम्बर, 1992

स्टाम्प

का. प्रा. 130 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है, जो आवास और शहरी विकास निगम लि. द्वारा जारी किए जाने वाले मात्र पैसीस करोड़ रुपये के मूल्य के "हुडको 13 प्रतिशत ऋण-पत्र—2007—एक्सएल श्रृंखला" के रूप में वर्णित ऋण-पत्रों पर उक्त अधिनियम के तहत प्रभाय है।

[सं. 31/92-स्टाम्प-का. सं. 33/54/92—वि. क.]

ठाकुर दत्त, उप-सचिव

ORDER

New Delhi, the 29th December, 1992

STAMPS

S.O. 130.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which debentures described as "HUDCO 13% Debentures—2007—XL Series" of the value of rupees thirty five crores only to be issued by Housing and Urban Development Corporation Limited are chargeable under the said Act.

[No. 31/92-Stamp/F. No. 33/54/92-ST]

THAKUR DATT, Dy. Secy.

वित्त मंत्रालय

(प्राथमिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 16 अक्टूबर, 1990

का. प्रा. 131.—सरकारी स्थान (प्रभावित श्रमयोगियों की वेदखनी) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कायम (i) में उल्लिखित उन अधिकारियों को नियुक्त करती है, जो भारतीय औद्योगिक वित्त निगम के अधिकारी हैं और जो भारत सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी तथा संबैधानिक अधिकारी होंगे और जो उक्त अधिनियम के प्रयोजन के लिए

सम्पदा अधिकारी (एस्टेट आफिसर) होंगे तथा जो उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे तथा उनके अधीन उक्त सारणी के कोलम (2) समनुवर्ती प्रविष्टि में उल्लिखित सरकारी स्थानों के संबंध में अपने अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत सम्पदा अधिकारियों को सौंपे गए कस्टडियों को पूरा करेंगे।

सारणी

क्र.सं.	अधिकारियों का पद	सरकारी स्थानों की श्रेणियां और अधिकार क्षेत्र की सीमा
1	2	3
1. प्रबंधक, बम्बई क्षेत्रीय कार्यालय, बम्बई	भारतीय औद्योगिक वित्त निगम की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में गोवा राज्य में सम्मिलित अवस्थित स्थान।	
2. प्रबंधक, चंडीगढ़ क्षेत्रीय कार्यालय, चंडीगढ़	भारतीय औद्योगिक वित्त निगम की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए जो उसके प्रशासनिक नियंत्रण में हैं, हिमाचल प्रदेश पंजाब तथा हरियाणा राज्यों में अवस्थित स्थान।	
3. प्रबंधक, लखनऊ क्षेत्रीय कार्यालय, लखनऊ	भारतीय औद्योगिक वित्त निगम की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए जो उसके प्रशासनिक नियंत्रण में हैं उत्तर प्रदेश राज्य में अवस्थित स्थान।	
4. उप-प्रबंधक, उत्तर-पूर्वी क्षेत्रीय कार्यालय, बम्बई।	भारतीय औद्योगिक वित्त निगम की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए जो उसके प्रशासनिक नियंत्रण में हैं उत्तर पूर्वी राज्यों में सम्मिलित स्थान।	

[फा.सं. 2(28)/आई एफ-1/90]

वी.पी. भारद्वाज, प्रवर सचिव

Department of Economic Affairs

(Banking Division)

New Delhi, the 16th October, 1990

S.O. 131.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers of the Industrial Finance Corporation of India, a statutory authority and equivalent to the rank of gazetted officers of the Government of India, to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in the column (2) of the said Table

TABLE

S. No.	Designation of the officers	Categories of public premises and local limits of jurisdiction
1. Manager, Bombay Regional Office, Bombay.		Public premises belonging to, or taken on lease by or on behalf of, the Industrial Finance Corporation of India which are under his respective administrative control including those in the State of Goa.
Manager, Chandigarh Regional Office, Chandigarh.		Public premises belonging to, or taken on lease by, or on behalf of, the Industrial Finance Corporation of India which are under his respective administrative control including those in the States of Himachal Pradesh, Punjab and Haryana.
3. Manager, Lucknow Regional Office, Lucknow.		Public Premises belonging to, or taken on lease by, or on behalf of the Industrial Finance Corporation of India which are under his respective administrative control in the State of Uttar Pradesh.
4. Deputy Manager, North Eastern Regional Office, Guwahati.		Public premises belonging to, or taken on lease by, or on behalf of the Industrial Finance Corporation of India which are under his respective administrative control including those in the North Eastern States.

[F. No. 2(28)/IF. 1/90]

V.P. BHARDWAJ, Under Secy.

(बीमा प्रभाग)

नई दिल्ली, 24 दिसम्बर, 1992

का.भा. 131.—केन्द्रीय सरकार, जोवन बीमा निगम अधिनियम 1956 (1956 का 31) का धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एफ.आई.सी. एन.एन. जम्बुसर्जिया, प्रबन्ध निदेशक को भारतीय जोवन बीमा निगम के अध्यक्ष के रूप में, उनके कार्यभार संभालने की तारीख से लेकर उनकी सेवानिवृत्ति की तारीख अर्थात् 31-12-93 तक नियुक्त करता है।

[फा. सं. 14(2)/92-इंश्योरेंस-V]

सी.एस. राव, संयुक्त सचिव

(Insurance Division)

New Delhi, the 24th December, 1992

S.O. 132.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri N. N. Jambusaria, Managing Director as the Chairman of the Life Insurance Corporation of India with effect from the date of assumption of the charge upto the date of his superannuation i.e. 31st December, 1993.

[F. No. 14(2)/92-Ins. V.]

C. S. RAO, Jt. Secy.

नई दिल्ली, 24 दिसम्बर, 1992

का.भा. 133.—केंद्रीय सरकार, जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा भारतीय जीवन बीमा निगम के प्रबंध निदेशक श्री एस. पी. सुबेदार को उक्त निगम के बोर्ड के सदस्य के रूप में, उनके कार्यभार संभालने की तारीख से लेकर 31-10-1995 तक अथवा निगम के प्रबंध निदेशक के पद पर उनके बने रहने तक, इनमें जो भी पहले हो, नियुक्त करती है।

[एफ. सं. 14(2)/92-इंश्यो.-5]

सी.एस. राव, संयुक्त सचिव

New Delhi, the 24th December, 1992

S.O. 133.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri S. P. Subedar, Managing Director, Life Insurance Corporation of India as Member of the Board of the said Corporation upto 31st October, 1995 from the date of assumption of charge and till he holds the post of Managing Director of the Corporation, whichever is earlier.

F. No. 14(2)/92-Ins. VJ

C. S. RAO, Jt. Secy.

भारतीय रिजर्व बैंक

(ग्रामीण आयोजना और ऋण विभाग)

बम्बई, 21 दिसम्बर, 1992

का.भा. 124.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का अधिनियम सं. 2) की धारा 42 की उप धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा प्रत्येक राज्य सहकारी बैंक को, जिसे फिलहाल उक्त अधिनियम की दूसरी अनुसूची में शामिल किया गया है, उक्त अधिनियम की धारा 42 की उप धारा (1ए) के उपबंधों से दिनांक 1 जनवरी, 1993 से 31 दिसम्बर 1994 तक आगामी दो वर्षों की अवधि के लिए उस सीमा तक छूट देता है जहां तक कि उसके अन्तर्गत जारी की गई किसी भी अधिसूचना के साथ पठित उक्त परन्तुक की अपेक्षानुसार कोई अधिसूचित राज्य सहकारी बैंक धारा 42 की उप धारा (1) में संदर्भित उक्त बैंक की शुद्ध नावधि और मांग देयताओं के 3 प्रतिशत से अधिक औसत दैनिक औष वन्धये रखता है।

[आर पी सी डी सं. आर एफ 50/ए-20 (24)-92/93]

कु० आई.टी. वाज, कार्यपालक निदेशक

RESERVE BANK OF INDIA

(Rural Planning and Credit Department)

Bombay, the 21st December, 1992

S.O. 134.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934), the Reserve Bank of India hereby exempts every State Co-operative Bank which is for the time being included in the Second Schedule to the said Act from the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 insofar as that proviso read with any notification issued thereunder requires a scheduled state co-operative bank to maintain an average daily balance in excess of 3 per cent of the net time and demand liabilities of the bank referred to in sub-section (1) of Section 42 for a further period of two years from 1st January, 1993 upto 31st December, 1994.

[RPCD. No. RF. 50/A. 20(24)-92/93]

MS. I. T. VAZ, Executive Director

बम्बई, 21 दिसम्बर, 1992

का.भा. 133.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा क्षेत्रीय बैंक अधिनियम 1976 (1976 का 21) के अंतर्गत गठित मध्य क्षेत्रीय ग्रामीण बैंकों को भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42 की उप धारा (1) के उपबंधों से दिनांक 1 जनवरी 1993 से 31 दिसम्बर 1994 तक आगामी दो वर्षों के लिए मुक्त करता है।

[आर पी सी डी सं. आर एफ 51/ए-20 (24)/92-93]

कु० आई.टी. वाज, कार्यपालक निदेशक

Bombay, the 21st December, 1992

S.O. 135.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 for a further period of two years commencing from 1st January, 1993 to 31st December, 1994.

[RPCD. No. RF. 51/A. 20(24)-92/93]

MS. I. T. VAZ, Executive Director

बम्बई, 21 दिसम्बर, 1992

का.भा. 136.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का अधिनियम सं. 2) की धारा 42 की उप धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा प्रत्येक राज्य सहकारी बैंक को, जिसे फिलहाल उक्त अधिनियम की दूसरी अनुसूची में शामिल किया गया है, उक्त अधिनियम की धारा 42 की उप धारा (1ए) के उपबंधों से दिनांक 1 जनवरी, 1993 से 31 दिसम्बर, 1994 तक मुक्त करता है।

[ग्रामीण ऋ. सं. आर एफ 52/ए-20 (24) 92/93]

कु० आई.टी. वाज, कार्यपालक निदेशक

Bombay, the 21st December, 1992

S.O. 136.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934), the Reserve Bank of India hereby exempts every State Co-operative Bank which is for the time being included in the Second Schedule to the Act from the provisions of sub-section (1A) of Section 42 of the Reserve Bank of India Act, 1934 for a period from 1st January, 1993 to 31st December 1994.

[RPCD. No. RF. 52/A. 20(24)-92/93]

MS. I. T. VAZ, Executive Director

बम्बई, 21 दिसम्बर, 1992

का.भा. 137.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम 1976 (1976 का 21) के अंतर्गत गठित मध्य क्षेत्रीय ग्रामीण बैंकों को भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42 की उप धारा (1ए) के उपबंधों से दिनांक 1 जनवरी, 1993 से 31 दिसम्बर, 1994 तक मुक्त करता है।

[ग्रामीण ऋ. सं. आर एफ 53/ए-20 (24)-92/93]

कु० आई.टी. वाज, कार्यपालक निदेशक

Bombay, the 21st December, 1992

S.O. 137.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of sub-section (1A) of Section 42 of the Reserve Bank of India Act, 1934 for a period from 1st January, 1993 to 31st December, 1994.

[RPCD. No. RF. 53/A. 20(24)-92/93]

MS. I. T. VAZ, Executive Director

बाणिज्य मंत्रालय

नई दिल्ली, 5 जनवरी, 1993

(काफी नियंत्रण)

का.घा. 138.—केन्द्रीय सरकार, काफी अधिनियम, 1942 (1942 का 7) की धारा 25 की उपधारा (1) के द्वितीय परम्बुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन बाणिज्य और उद्योग मंत्रालय की अधिसूचना सं. का.घा. नि. 83, तारीख 10 जनवरी, 1956 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में,—

(क) क्रम संख्यांक 3 के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“3. असम”

(ख) क्रम संख्यांक 5 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां अन्तःस्थापित की जाएंगी, अर्थात् :—

“6. मेघालय

7. मणिपुर

8. त्रिपुरा

9. नागालैण्ड

10. अरुणाचल प्रदेश

11. मिजोरम

12. आंध्र प्रदेश

13. त्रावणकोर क्षेत्र (केरल राज्य)।”

[फा.सं. 9(2)/92-प्लान्ट (बी)]

सी.ए. भास्करन, अधीक्षक सचिव

पाठ टिप्पण :—मूल आदेश भारत के राजपत्र में अधिसूचना सं. का. नि.घा. 83, तारीख 10 जनवरी, 1956 को प्रकाशित हुआ था, और तत्पश्चात् उसमें निम्नलिखित द्वारा संशोधन किए गए :—

1. अधिसूचना सं. का.घा. 5658 तारीख 21-12-1985

MINISTRY OF COMMERCE

New Delhi, the 5th January, 1993

(COFFEE CONTROL)

S.O. 138.—In exercise of the powers conferred by the second proviso to sub-section (1) of section 25 of the Coffee Act, 1942 (7 of 1942), the Central Government, hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Com-

merce and Industry, No. SRO 83, dated the 10th January, 1956, namely :—

In the said notification,—

(a) for serial number 3, the following serial number and the entry shall be substituted, namely :—

“3. Assam.”

(b) after serial number 5 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely :—

“6. Meghalaya

7. Manipur

8. Tripura

9. Nagaland

10. Arunachal Pradesh

11. Mizoram

12. Andhra Pradesh

13. Travancore area (Kerala State).

[File No. 9(2)/92-Plant(B)]

C. A. BHASKARAN, Under Secy.

Foot Note.—Principal order published vide notification No. SRO 83 dated the 10th January, 1956, Gazette of India, and subsequently amended by :—

1. Notification No. 5658 dated 21st December, 1985.

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 24 दिसम्बर, 1992

का.घा. 139.—मारुति लिमिटेड (उपक्रमों का अधिग्रहण तथा हस्तांतरण) अधिनियम, 1980 (1980 का 64) की धारा 15 की उप धारा (1) तथा हिन्दुस्तान ट्रैक्टर लिमिटेड (उपक्रमों का अधिग्रहण तथा हस्तांतरण) अधिनियम, 1978 (1978 का 13) की धारा 16 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा श्री एस.डी.सिंह, उप सचिव, औद्योगिक विकास विभाग को अपने सामान्य कार्य के अतिरिक्त तत्काल प्रभाव से अगले पांचवों तक अंशकालीन आधार पर मारुति लिमिटेड तथा हिन्दुस्तान ट्रैक्टर लिमिटेड का सुगतान सामुक्त नियुक्त करती है।

[फा.सं. 12(16)/92-ए ई आई]]

ई.एन. मूर्ति, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 24th December, 1992

S.O. 139.—In exercise of the powers conferred by Sub-section (1) of Section 15 of the Maruti Limited (Acquisition and Transfer of Undertaking) Act, 1980 (64 of 1980) and Sub-section (1) of Section 16 of the Hindustan Tractors Limited, (Acquisition and Transfer of Undertakings) Act, 1978 (13 of 1978) the Central Government hereby appoints Shri S. D. Singh, Deputy Secretary, Department of Industrial Development, as Commissioner of Payments for Maruti Limited and Hindustan Tractors Limited on part time basis in addition to his normal duties with immediate effect, until further orders.

[F. No. 12/16/92/AEI]

E. N. MURTHY, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 14 विसम्बर, 1992

का. भा. 140 :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कांठला से पंजाब राज्य में भाटिवा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन प्रायल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से उपाय्य भूमि में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के सम्बंध में आपत्ति लिखित रूप में श्री प्रार. पी. कौशिक, तहसीलदार, और सक्षम प्राधिकारी, इंडियन प्रायल कारपोरेशन लिमिटेड, कांठला भाटिवा पाइपलाइन परियोजना 1158, सैक्टर--13 अर्बन एस्टेट, करनाल, हरियाणा, को कर सकेगा

अनुसूची

तहसील : बाबत	जिला : दिवाड़ी	राज्य : हरियाणा			
गांव का नाम	हदबस्त नं.	मुस्ततील नं. किला नं.	क्षेत्रफल		
			हेक्टर	घार	वर्ग मीटर
1	2	3	4	5	6
खन्डोरा	50	10	—	06	07
		1/1			
ठांकरी	48	22	—	13	41
		8	—	13	41
		33	—		
		24	—	01	52
		88	—		
		14	—	13	16
		15	—	00	25
भारण	7	20	—	06	32
		7	—	10	62
		25	—		
		10	—		
		41	—	10	62
		23	—		
		46	—		

1	2	3	4	5	6
		8/1/2	—	01	77
		58	—		
		7	—	23	41
भवराना	4	51	—		
		9	—	05	06
		52	—		
		18/2/1	—	04	55
		18/2/2	—	06	83
प्रागपुरा	3	36	—	01	26
मुलवा	2	23	—		
		20	—	09	86
		24	—		
		22/1	—	01	26
		22/2	—	08	85
		33	—		
		4/2	—	00	76
		7	—	11	39
		8	—	13	91
		34	—		
		1/1	—	07	58
		45	—		
		11	—	07	08
		47	—		
		25	—	05	82
		48	—		
		5	—	06	83
		177/2	—	02	28
		480/1	—	04	30

तहसील : झज्जर	जिला : रोहतक	राज्य : हरियाणा			
1	2	3	4	5	6
कोफा	247	29	—		
		23/2	—	06	32
महरी	246	55	—		
		19/2	—	03	29
मसकपुर खेड़ा	241	52	—		
		4/2	—	02	28
		77	—	03	79

1	2	3	4	5	6	1	2	3	4	5	6	9
मछरोली	240	34				सुपबद्ध	106	79				
		18/3	--	02	53			23	--	03	80	
		64						87				
		19	--	11	13			23	--	08	35	
		958	--	02	79							
शालपुर	239	25				तहसील : रोहतक	जिला : रोहतक	राज्य : हरियाणा				
		16/2	--	07	59	1	2	3	4	5	6	
		25/1	--	11	38	कुलसाला	16	1388	--	07	73	
		25/2	--	00	06	हसमाईला	37	11				
		26				11 बिसबा		15/1	--	11	13	
		1	--	11	38			1104	--	01	77	
		10	--	11	38			1113	--	01	01	
		11	--	08	10			1119	--	03	29	
		20	--	02	53			1121	--	01	01	
		40						1127	--	01	02	
		5/1	--	11	64	हसमाईला	38	21				
		6/2	--	09	88	9 बिसबा		4	--	02	02	
		7/1	--	01	01			5	--	11	63	
		14	--	06	07			6	--	00	51	
		15/1	--	06	07			7	--	13	15	
		16	--	04	05			13	--	06	07	
		17/1	--	08	09			14	--	07	33	
		24/2	--	09	86			18	--	13	41	
		25/1	--	0	51			19	--	01	01	
गिजारीव	260	21						22/1	--	03	04	
		18	--	09	36			23	--	00	51	
		19	--	02	78			44				
		23	--	12	14			2	--	06	07	
		32						11	--	08	60	
		3	--	09	36			12	--	01	01	
		4	--	02	78			20	--	11	38	
		7	--	01	52			21	--	11	38	
		8	--	13	15			45				
		12	--	08	60			25	--	00	07	
		13	--	03	29			49				
		19	--	10	62			5	--	05	56	
		20	--	04	05			6	--	11	38	
		21	--	11	13			15	--	11	38	
		121	--	02	28			16	--	10	88	
सिसामीपाला जालम	262	3						24	--	01	01	
		6	--	12	39			25	--	10	62	
								50				
सुजजर	100	296						1	--	06	58	
		9/2	--	10	82			10	--	00	25	
								73				

1	2	3	4	5	6	1	2	3	4	5	6
		4	—	08	09	बोलंगी		10			
		5	—	04	05			14/1	—	01	26
		98						4/4	—	00	25
		4	—	10	62	राहुसल : गुरुला		जिला : कैथल		राज्य : हरियाणा	
		7	—	11	13	1	2	3	4	5	6
		14	—	11	13	जेडी गुलाम अली	83	13	—	08	60
		17	—	10	37			21			
		13	—	00	76			4	—	09	11
		23	—	03	04			11			
		24	—	08	09	उभयपुर	82	61/1	—	02	53
		103						2/1	—	04	81
		3	—	07	59			2/2	—	06	58
		4	—	04	55	प्रभावत	81	3	—	00	10
		7	—	00	51			9/5	—	01	01
		8	—	10	88			17			
		13	—	11	13	जनेपुर	93	17/1	—	03	54
		124						113	—	00	25
		22	—	07	59			7	—	01	01
		23	—	04	51			8	—	14	92
		136						13/1	—	00	76
		2..	—	10	12			13/2	—	00	02
		3	—	02	02			14	—	14	67
		157	—	05	82			15	—	03	04
		159	—	08	85			16	—	10	37
								12			
								20	—	04	30
गाम्धरा	44	39						21	—	10	12
		20/2/2	—	04	55			22	—	08	09
पाकसमा	57	105						14			
		20/2/1	—	09	06			11	—	00	51
पानाट	59	213						20	—	03	29
		1	—	02	02			15			
		2	—	09	11			2	—	07	59
		9/1	—	02	53			15			
		9/2	—	01	26			3	—	10	12
		10	—	06	83			6	—	00	02
		140						7	—	12	90
		24	—	00	08			8	—	05	56
								14	—	02	78
								15	—	14	16
इली	54	21						16	—	01	01
		9/1	—	10	63			62	—	00	76
		9/2	—	00	51			63	—	00	76
		79						200	—	01	26
		25/2	—	03	54			201	—	01	01
		89						205	—	01	52
		1	—	01	01			206	—	01	26
		116						57			
		23	—	01	05	सधाना चक्क	97	11	—	00	25
		160						66			
	4	22/1	—	11	38			8/2	—	05	06
		181						107			
		1/3	—	05	31			4	—	05	82

1	2	3	4	5	6	1	2	3	4	5	6
		108						108			
		1	—	06	07			11	—	00	25
		9	—	13	91			14/1	—	07	34
		205/2	—	12	65			14/2	—	02	28
		233	—	01	52			15	—	12	14
		234	—	00	51			20	—	12	14
सारांशाली	101	15						110			
		21/1	—	00	25			23	—	02	02
		24/1	—	02	03			119			
								17	—	02	02
		16				सम्बाङ्गी	150	8			
		15/1	—	01	01			17/1	—	09	86
		27						9			
		8/2	—	02	53			23	—	00	25
		15	—	02	07			14			
		16	—	08	85			1	—	00	25
		28						3	—	13	40
		19	—	02	28			4	—	06	07
		20	—	13	41			7/1	—	05	82
		107	—	01	26			7/2	—	05	82
		148	—	03	79			14	—	11	63
								16	—	06	32
कसीर	102	78						17	—	05	57
		11	—	00	25			25	—	11	63
		19	—	09	36			17			
		20	—	13	66			5	—	11	38
		82						70	—	01	26
		8/2	—	03	29	आहुवास	148	29			
		83						22/2/2/1	—	02	28
		19/2/2	—	04	55			37			
		20/2	—	13	66			20	—	13	41
		149	—	00	51			22	—	10	86
तहसील : रिवाङ्गी		जिला : रिवाङ्गी		राज्य : हरियाणा				38			
1	2	3	4	5	6			3/2/1	—	04	05
								7/2/1	—	09	86
								14/1	—	05	31
जैतवावास	143	12				बालियाली	133	6			
		20	—	12	84			10	—	07	34
		14						11	—	09	86
		8/1	—	11	13			12	—	06	58
		25						18	—	05	82
		1/2	—	04	55			19	—	10	12
आहुवास	145	49						23	—	10	38
		2/1	—	07	89			24/1	—	01	26
		13/1/2	—	01	26			24/2	—	03	79
		13/1/1	—	08	08			7			
		18/1	—	11	13			5/2	—	04	81
		106						6/1	—	09	86
		8/1	—	07	84			15			
		9/2	—	12	39			2	—	01	01
		107				हुसैनपुर	134	46			
		8/2	—	02	78			9/2	—	01	26
		8/3	—	06	83			11/2	—	07	33
		13/1	—	02	78			12	—	09	86

1	2	3	4	5	6
कुतुबपुर मौला	131	26 2/2/1	—	01	52
काना साजरा	126	15 21/3	—	04	55
काग्या बास	117	17 22 23 26 2 3 8 9 12 13/2 26 44	— — — — — — — — — — — — —	00 11 05 07 00 09 07 01 02 01	06 38 06 08 51 36 84 77 27 77
भूखपुर	116	16 1/1 28 17/2	— — — —	05 03	05 29
गोकल गढ़	119	74 20	—	09	86
रोहड़ाई	230	60 11/1 11/2 61 15 16/1/2 16/2/2 16/2/3 118 2/2 2/1, 3	— — — — — — — — — — —	05 00 06 06 03 00 00	31 03 58 07 04 76 76 26
हंसा बास	240	38 9/1 9/2	— — —	02 09	02 61
काहनोरा	241	262/2	—	04	30
काहनोरी	242	34 19/1 18/2 22/1 22/2 23/1	— — — — — —	04 08 06 00 01	55 09 07 25 26

tinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexure to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. P. Kaushik Tehsildar and Competent Authority, India Oil Corporation Ltd., Kandla-Bhatinda Pipeline Project, 1158, Sector-13 Urban Estate, Karnal, Haryana.

SCHEDULE

Tehsil : Bawal	District : Rewari		State : Haryana		
Name of Village	Had- bast No.	Mustateel/ Killa No.	Area		
			Hec- tare	Are	Centi- are
1	2	3	4	5	6
Khandora	50	10 1/1	—	06	07
Tankri	48	22 8 33 24 88 14	—	13	41
			—	01	52
			—	13	15
			—	00	25
Dharam	7	20 7 25 10 41 23 46 8/1/2 58 7	0 0 —	06 10 13	32 62 62 77 41

[सं. भार-31015/21/92-ओ भार-1]

कुलदीप सिंह, सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 14th December, 1992

S.O. 140.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kandla in the State of Gujarat to Bha-

1	2	3	4	5	6	1	2	3	4	5	6
Bha Irana	4	51						11		08	10
		9	--	05	06			20	—	02	53
		52						40			
		18/2/1	.	04	55			5/1	—	11	64
		18/2/2	--	06	83			6/2	--	09	86
Pragpura	3	36	--	01	26			7/1	--	01	01
Sulkha	2	23						14	.	06	07
		20		09	86			15/1	—	06	07
		24						16	--	04	05
		22/1	—	01	26			17/1	--	08	09
		22/2	--	08	85			24/2	--	09	86
		33						25/1	—	0	51
		4/2	--	00	76	Gijaroad	260	21			
		7	-	11	39			18	—	09	36
		8	---	13	91			19	---	02	78
		34	--	07	58			23	--	12	14
		1/1						32			
		45	--	07	08			3	--	09	36
		11						4	---	02	78
		47	--	05	82			7	---	01	52
		25						8	—	13	15
		48	—	06	83			12	--	08	60
		5						13	---	03	29
		177/2	--	02	28			19	---	10	62
		480/1	---	04	30			20	---	04	05
								21	---	11	13
								121	---	02	28
						Silani Pana Zalim	262	3			
								6	—	12	39
						Jhajjar	100	296			
								9/2	---	10	62
						Garawar	106	79			
								23	---	03	80
								87	-	08	35
								23			

1	2	3	4	5	6	1	2	3	4	5	6
Janed Pur	14	—	14	67			27				
	15	—	03	04			8/2	—	02	53	
	16	—	10	37			15	—	02	02	
	12						16	—	08	85	
	20	—	04	30			28				
	21	—	10	12			19	—	02	28	
	22	—	08	09			20	—	13	41	
	14						107	—	01	26	
	11	—	00	51			146	—	03	79	
	20	—	03	29		Kasore	102	78			
	15	—	07	59			11	—	00	25	
	2						19	—	09	36	
	15						20	—	13	66	
	3	—	10	12			82				
	6	—	00	02			8/2	—	03	29	
	7	—	12	90			83				
	8	—	05	56			19/2/2	—	04	55	
	14	—	02	78			20/2	—	13	66	
	15	—	14	16			149	—	00	51	
	16	—	01	01							
	62	—	00	76							
	63	—	00	76							
	200	—	01	26							
	201	—	01	01							
	205	—	01	52							
	206	—	01	26							
						Tehsil : Rewari District : Rewari State : Haryana					
						1	2	3	4	5	6
Ladana Chakku 97	57	—	00	25		Jaitrawas	143	12	—	12	64
	11						20				
	66	—	05	06			14				
	8/2						8/1			11	13
	107	—	05	82			25				
	4						1/2	—	04	55	
	108										
	1	—	06	07							
	9	—	13	91							
	205/2	—	12	65							
Taran Wali 101	233	—	01	52		Bharawas	145	09			
	234	—	00	51			2/1	—	07	59	
							13/1/2	—	01	26	
							13/1/1	—	05	06	
							18/1	—	11	13	
							106				
							8/1	—	07	84	
							9/2	—	12	39	
							107				
							8/2	—	02	78	
							8/3	—	06	83	
							13/1	—	02	78	
							108				
							11	—	00	25	
							14/1	—	07	34	
							14/2	—	02	28	
							15	—	12	14	
							20	—	12	14	
							110				
							23	—	02	02	

1	2	3	4	5	6	1	2	3	4	5	6
		119		02	02	Chandawas	117	17			
		17						22		00	
Bhambadi	150	8		09	86			23		11	38
		17/1						26			
		9						2		05	06
		23		00	25			3		07	08
		14						8		00	51
		1		00	25			9		09	36
		3		13	40			12		07	84
		4		06	07			13/2		01	77
		7/1		05	82	Bhudpur	116	16			
		7/2		05	82			1/1		05	05
		14		11	63			28			
		16		06	32			17/2		03	29
		17		05	57						
		25		11	63						
		17				Gokal Garh	119	74		09	86
		5		11	38			20			
		70		01	26	Rohrai	230	60			
Jatuwas	148	29						11/1		05	31
		22/2/2/1		02	28			11/2		00	03
		37						61			
		20		13	41			15		06	58
		22		10	86			16 1/2		06	07
		38						16/2/2		03	04
		3/2/1		04	05			16/2/3		00	76
		7/2/1		09	86			118			
		14/1		05	31			2/2		00	76
Daliyaki	133	6				Hansa Was	240	38			
		10		07	34			9/1		02	02
		11		09	86			9/2		09	61
		12		06	58	Kahnora	241	262/2		04	30
		18		05	82	Kahnori	242	34			
		19		10	12			19/1		04	55
		23		10	88			18/2		08	09
		24/1		01	26			22/1		06	07
		24/2		03	79			22/2		00	25
		7						23/1		01	26
		5/2		04	81						
		6/1		09	86						
		15									
		2		01	01						
Hussainpur	134	46									
		9/2		01	26						
		11/2		07	33						
		12		09	86						
Qutabpur Maula	131	26									
		2/2/1		01	52						
Kana Majra	126	15									
		21/3		04	55						
		21/3									

[No. R-31015/21/92-OR-I]

KULDIP SINGH, Under Secy.

तई दिनांक, 14 दिसम्बर, 1992

का.आ. 141.—केंद्रीय सरकार का यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कोडला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पेट्रोविम के परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए अधिसूचना से उपायय अतुस्वी में खनिज भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अन्तर्गत् प्राणय की घोषणा करती है।

उक्त धनुषी में वर्णित भूमि में द्विचक्र कोर्द व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतिया माघारण जाना को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री किरपाल सिंह, सम्पर्क अधिकारी और महाम प्राधिकारी, इंडियन प्रायल कारपोरेशन लिमिटेड, कांडला भट्टिका पाइपलाइन परियोजना, एस.सी.ओ. 178, सेक्टर 37-सी चंडीगढ़ को कर सकेगा।

धनुषी

तहसील : समाना	जिला : पटियाला	राज्य : पंजाब			
गांव का नाम	हस्तबस्त नं.	क्षेत्रफल			
	नं.	किया नं.			
		हैक्टर धार वर्ग मीटर			
1	2	3	4	5	6

सिबीना	187	11/2	—	07	08
		78/3	—	13	92
		11/14	—	01	01
		10	—	12	39
		69/25	—	07	84
		17/3	—	03	04
बावशाहपुर	188	70/10	—	00	76
		17	—	01	01
		76/5	—	03	03
ऊगोके	186	31/11	—	14	16
		51	—	—	—
		19/1/1	—	05	31
कुलदाम	185	14	—	—	—
		8	—	14	16
		13	—	03	04
		14	—	14	42
		15	—	02	02
		16	—	12	65
		17	—	00	5 1
		9	—	01	01
		23/8	—	02	78
		22	—	—	—
		11/2	—	05	31
बथा	183	59/13	—	00	76
देवना	184	27	—	—	—
		11	—	00	51
		20	—	13	15

1	2	3	4	5	6
		21/1	—	03	29
		21/2	—	04	04
		48	—	—	—
		19	—	00	51
		55	—	—	—
		23	—	00	00
		72/17	—	00	00
ब्रह्मन माजरा	129	14	—	—	—
		22	—	00	51
खेडी नारिया	128	58	—	—	—
		8	—	05	06
		44	—	—	—
		23	—	13	91
		24	—	03	06
		53	—	—	—
		4	—	09	11
		5	—	12	65
		6	—	02	02
		52	—	—	—
		1	—	00	76
		10	—	12	14
		11	—	10	12
		12	—	03	04
		19/1	—	04	05
		19/2	—	08	85
		20	—	00	00
		22	—	07	08
		23/1	—	05	56
		58	—	—	—
		3/1	—	01	26
		3/2	—	08	60
		44	—	—	—
		22	—	04	30

तहसील	सुनाम	जिला :	संगरूर	राज्य :	पंजाब
1	2	3	4	5	6
मेहवाल	131	51	—	11	38
		15			
		47	—	02	76
		6	—	02	28
		7	—	14	16
		15/1	—	09	86
		48			
		11	—	02	53
		37			
		9/1	—	03	54
		11/2	—	00	51
		12/1	—	11	63
		12/2	—	01	77
		13/1/1/1	01	01	77
		18	—	19	98

1	2	3	4	5	6	1	2	3	4	5	6
मेहल (समाप्त)		16	—	04	55			5/2	—	12	65
		17	—	05	31			11/7			
		23	—	00	76			2/2	—	04	81
		24	—	08	83			3	—	10	37
		25	—	09	11			6	—	08	85
		23	—					7	—	13	41
		18/1	—	06	83			8/1	—	07	08
		18/2	—	05	82			78/	—	00	00
		19	—	12	39			21			
		20/1	—	12	39			83			
		23/1	—	03	79			1	—	14	16
		24/1	—	09	11			2	—	03	54
		24/2	—	01	77			9	—	13	15
		38/4	—	08	60			10	—	00	51
मुंजीवाला	135	9/1	—	01	77	गुंज	110	30			
		10/24	—	13	91			5/2	—	01	26
								6/1/2	—	00	51
सफीरपुर बूंद	133	29/25/1	—	00	25			31			
		14/18	—	01	77			1	—	01	52
								42	—	01	52
धूमन	134	16/7	—	00	25			5	—	01	52
								41			
कमालपुर	126	120						15/2	—	00	76
		14/2	—	05	82			9/1/2	—	10	88
		15/1	—	04	80			65			
		114						8			
		13/2	—	06	07			8	—	00	51
		132						15	—	11	63
		23	—	01	01			18			
		140						6	—	12	90
		3	—	13	66			4	—	08	60
		4	—	09	61			5/1	—	01	01
		7	—	11	89			5/2	—	03	29
		14	—	00	25			41			
								8/1/2	—	03	04
खनाल कर्मा	122	78						8			
		4/1	—	14	67			24/1	—	02	78
		6	—	09	11			24/2	—	07	08
		153						19	—	08	35
		1/1	—	09	10			20	—	01	26
		1/2	—	05	32						
		51				गोविंदपुर मागरी	57	35			
		23/2	—	03	29			14/3	—	00	51
		24/2	—	02	53			58			
		150/						24/2	—	04	30
		1	—	09	86			63			
		77						4/1	—	02	78
		12	—	14	16			6/1	—	01	52
		11	—	00	51			5/2	—	10	88
		78						4/2	—	00	25
		5/2	—	06	07			6	—	04	05
		131						62			
		4	—	01	52			1	—	00	25
		5/1	—	01	26			9	—	07	33

1	2	3	4	5	6	3	2	3	4	5	6
मोर्बिणपुर नागरी (समाप्त)	10	—	13	91				2131/2	—	08	85
	27	—	—	—				1497	—	10	62
	24	—	07	59				1498/2	—	00	25
	25	—	00	25				1291	—	06	83
	28	—	—	—				1292	—	00	76
	4	—	04	81				1295	—	03	04
	5	—	13	41				1293	—	12	65
	29	—	—	—				2082	—	13	91
	1/1	—	06	83				2083	—	13	91
	1/2	—	00	25				2084	—	13	91
	10/1	—	06	58				2100	—	10	88
	10/2	—	02	78				2101	—	02	53
	9	—	09	86				2122	—	02	02
	29	—	—	—		इमेवास	6	99	—	—	—
	8/2	—	00	76				21/2	—	09	11
	12/1	—	05	56				100	—	—	—
								21/2	—	12	34
मेहसा	54	8	—	—				101	—	—	—
	1/2	—	00	25				22	—	01	77
	25	—	06	83				23	—	06	58
	13	—	—	—				24	—	07	59
	2	—	03	79				25	—	12	39
								130	—	—	—
तहसील : संगरूर	जिला :	संगरूर	राज्य :	पंजाब				2	—	10	62
	1	2	3	4	5	6		3/2	—	06	58
								4	—	01	77
बागरा	109	2890	—	07	59			129	—	—	—
बम्बरपुर	55	195/2/1	—	17	20			3	—	12	39
		194/2/2	—	07	59			4	—	12	40
		1388/368	—	01	26			5	12	12	40
		1313/452/1/2	—	10	37	सहिजे	82	8	—	—	—
		338	—	05	56			20	—	11	13
								12	—	—	—
								12	—	12	39
बेरी	47	19	—	—	—			12	—	—	—
		20	—	04	65			13	—	12	40
		35	—	—	—			14	—	12	40
		13/2	—	01	77			6	—	—	—
		12/2	—	11	38			8	—	03	79
		21	—	—	—			9/1	—	12	40
		5/1	—	01	26			10	—	09	35
		5/2	—	01	01			11/1	—	03	04
								7/15/1	—	02	53
राम्बो	45	199	—	11	38			8	—	—	—
								14	—	03	54
गाजरा कला		200/1	—	01	26			15	—	06	07
		200/2	—	00	00			16	—	01	01
		337/32/3	—	06	32			17	—	02	02
बपली	7	2078	—	02	53			9/16	—	00	75
		2087	—	03	29			10	—	—	—
		2086	—	06	32			11/2	—	11	63
		1713	—	01	26			12/1/2	—	00	25
		1491	—	08	85			12/2/2	—	04	05
		1492	—	03	79			18	—	13	91
								19/2	—	07	59

1	2	3	4	5	6	1	2	3	4	5	6
		11						19	--	12	39
		11/1	--	03	54			20	--	09	61
		11/3	--	03	54						
		12/2	--	12	39			252			
		13	--	12	39			15/1	--	00	00
		14/1	--	04	56						
		14/2	--	07	84			207			
		15/1	--	01	52						
		15/2	--	10	88			14	--	01	77
		12						16/2	--	09	11
		15	--	12	39			17/1	--	04	30
		11/1	--	02	38			17/2	--	06	07
		11/2	--	09	61			25/1	--	00	51
		20	--	00	51	रतोक	76	17			
भन्नेर कुर्ब	81	44/20	--	01	27			6/1	--	05	21
		45						6/3	--	04	55
		16/1	--	11	13			7	--	12	30
		17	--	12	14			8	--	08	60
		21	--	11	03	फिला भारिमान	5	53			
		46						19/3	--	05	56
		24	--	12	39			60/3	--	11	89
		25	--	12	39			51			
		50									
		12	--	06	07						
		13	--	07	34			16	--	00	25
		14/1	--	02	77						
		14/2	--	07	59			51			
		15	--	06	07						
		16	--	01	26			17	--	04	55
		17	--	03	29			18	--	04	81
		18	--	05	06			23/1	--	07	33
		19	--	06	07			24	--	07	84
		51						25	--	12	14
		18/1	--	11	13						
		99	--	05	57			53			
कोमोबाल		206						18	--	12	90
		12/1	--	03	29			19/1	--	01	77
								19/2	--	10	88
		267/13	--	06	84			20/1	--	05	82
		255/2	--	02	79			20/2	--	02	78
		252						59			
		14/2	--	01	01			5/2	--	04	05
		257/11	--	02	78						
		249				लोहा बेरा	1	90			
								20	--	01	52
								80			
		6	--	00	25			18	--	12	39
		17	--	01	01						
		24	--	11	13	बीर भलवाल	38	18			
		25	--	10	88			1	--	08	60
								2	--	12	65
		250						3	--	00	25

1	2	3	4	5	6	1	2	3	4	5	6
		7	—	03	29			230			
		8	—	14	41						
		9	—	02	78			5/2	—	10	12
		14	—	10	88			6	—	02	27
		15	—	10	88			7	—	02	79
		16	—	03	29						
		19						231			
		19	—	01	77			1	—	10	52
		20	—	14	42			2	—	11	13
		21	—	00	00			3	—	11	89
रामनगर सिबियाल	6	357/1	—	01	01			4	—	12	36
		357/2	—	07	33			8	—	00	51
		357/3	—	05	31			9	—	03	01
		358	—	01	52			10	—	01	77
		368	—	18	46			232			
		369	—	02	78			1	—	12	39
		370	—	00	51			2	—	2	40
		367	—	04	05			3	—	12	39
		371	—	17	70			4/1	—	10	88
		373	—	22	26			4/2	—	01	51
कम्बो माजरा खुर	36	207	—	08	60	इसे	3	591/1/2/1	—	01	26
तहसील : बरनाला	जिला : संगरूर	राज्य : पंजाब						901/1	—	15	68
1	2	3	4	5	6			901/2	—	00	25
असपाण कला	79	109						975/3	—	07	84
		21	—	12	40			982/1/1/2/2	—	06	83
कोट बुला	80	52						992/2	—	14	41
		12	—	00	25	कोखर	1	705/1	—	07	85
		18	—	05	06	रामनवास	4	23			
		19	—	12	65			9/1	—	03	79
		20	—	12	39			10/1	—	11	63
तहसील : मानसा	जिला : मटिहा	राज्य : पंजाब				बासियावाली	6	146			
1	2	3	4	5	6			3/1	—	02	78
अकलिया	6	98						3/2	—	01	77
		22/2	—	01	77			161			
		72						4/1	—	09	87
		3	—	03	79			8/1	—	07	33
		86						8/2	—	08	10
		6	—	12	65	अंडुके	11	221/2	—	01	26
		9	—	03	04						
		1490	—	00	51						
तहसील : फूल	जिला : मटिहा	राज्य : पंजाब				तहसील : मटिहा	जिला : मटिहा	राज्य : पंजाब			
1	2	3	4	5	6	1	2	3	4	5	6
बाकके	450	229				चक राम सिंह बाला	204	67/8/2	—	02	78
		7	—	06	83			72/13/2/1	—	06	58
		8	—	06	83			73/11/2	—	01	77

SCHEDULE

1	2	3	4	5	6
बका फरह मिर्झ बागा	205	136			
		24/1	—	01	77
नृमवाली	208	172	5		
		21/2	—	04	30
		177/12	—	11	13
		178/12	—	01	26
		207			
		17/2	—	13	91
		208			
		19	—	04	55
		20/3	—	12	39
गुलाबराह उर्फ नारियवाला	58	19			
		15/2	—	05	31
		16	—	07	59
		17	—	12	90
		18/1	—	00	25
		18/2	—	11	64
		19/1	—	01	77
		21/1	—	09	76
		21/2	—	04	81
		22/1	—	01	77
		20/24	—	00	51

[म. अर-31015/22/92-ओ अर-1]
कुलदीप सिंह, अवर सचिव

New Delhi, the 14th December, 1992

S.O. 141.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri Kirpal Singh, Liaison Officer and Competent Authority, Indian Oil Corporation Ltd., Kandla-Bhatinda Pipeline Project, SCO 178, Sector 37-C, Chandigarh.

Tehsil : Samana	District : Patiala		State : Punjab		
Name of Village	Hadbast No.	Mustatecl Killa No.	Arca		
			Hac- tare	Are	Centi- tiare
1	2	3	4	5	6
Scona	187	11			
		2		07	08
		78			
		3		13	92
		12			
		14		01	01
		10		12	39
		69			
		25		07	84
		17/3		03	04
Badshapur	188	70			
		10		00	76
		17		01	01
		76			
		5		03	04
Ugoke	186	31			
		11		14	16
		51			
		19/1/1		05	31
Kulbanu	185	14			
		8		14	16
		13		03	04
		14		14	42
		15		02	02
		16		12	65
		17		00	51
		9		01	01
		23			
		8		02	78
		22			
		11/2		05	31
Ghagga	183	59			
		13		00	76
Dedna	184	27			
		11		00	51
		20		13	15
		21/1		03	29
		21/2		04	04
		48			
		19		00	51
		55			
		23		00	00

1	2	3	4	5	6	1	2	3	4	5	6
		72					24		06	83	
		17		00	00		25		09	11	
Brahmam Majra	129	14					23				
		22		00	51		18/1		06	83	
Kheri Naghia	128	58					18/2		05	82	
		8		05	06		19		12	39	
		44					20/1		12	39	
		23		13	91		23/1		03	79	
		24		05	06		24/1		09	11	
		53					24/2		01	77	
		4		09	11	Munshiwala	135	9		01	77
		5		12	65		1				
		6		02	02		10		13	91	
		52					24				
		1		00	76						
		10		12	14	Safipur Khurd	133	29		00	25
		11		10	12		25/1				
		12		03	04		44		01	77	
		19/1		04	05		18				
		19/2		08	85						
		20		00	00	Samuran	134	16		00	25
		22		07	08		7				
		23/1		05	56						
		58				Kamalpur	126	120			
		3/1		01	26		14/2		05	82	
		3/2		08	60		15/1		04	80	
		44					114				
		22		04	30		13/2		06	07	
							132				
Tehsil : Sunam							23		01	01	
							140				
Sehal	131	51					3		13	66	
		15		11	38		4		09	61	
		47					7		11	89	
		4		00	76		14		00	25	
		6		02	28	Khanal Kalan	122	78			
		7		14	16		4/1		14	67	
		15/1		09	86		6		09	11	
		48					153				
		11		02	53		1/1		09	10	
		37					1/2		05	32	
		9/1		03	54		51				
		11/2		00	51		23/2		03	29	
		12/1		11	63		24/2		02	53	
		12/2		01	77		150				
		13/1/1/1		01	77		1		09	86	
		18		19	98		77				
		16		04	55		12		14	16	
		17		05	31						
		23		00	76						

1	2	3	4	5	6	1	2	3	4	5	6
Khanua Kotan 122	11			00	51			5/1		01	52
	78							5/2		10	88
	5/2			06	07			4/2		00	25
	131							6		04	05
	4			01	52			62			
	5/1			01	26			1		00	25
	5/2			12	65			9		07	33
	117							10		13	91
	2/2			04	81			27			
	3			10	37			24		07	59
	6			03	85			25		00	25
	7			13	41			28			
	8/1			07	08			4		04	81
	76							5		13	41
	21			00	00			29			
	83							1/1		06	83
	1			14	16			1/2		00	25
	2			03	54			10/1		06	58
	9			13	15			10/2		02	78
	10			00	51			9		09	86
Gujran 110	30							29			
	5/2			01	26			8/2		00	76
	6/1/2			00	51			12/1		05	56
	31					Mehlan	54	8			
	1			01	52			1/2		00	25
	42							25		06	83
	5			01	52			13			
	41							2		03	79
	15/2			00	76						
	9/1/2			10	88						
	65										
	8			00	51						
	15			11	63						
	18										
Gobind Pur Nagri 57	6			12	90						
	4			08	60						
	5/1			01	10						
	2/5			03	29						
	41										
	8/1/1			03	04						
	8										
	21/1			02	78						
	24/2			07	08						
	19			08	35						
	20			01	26						
	35										
	14/3			00	51						
	58										
Gobind Pur Nagri 57	24/2			01	30						
	63										
	4/1			02	78						

1	2	3	4	5	6	1	2	3	4	5	6
Longowal	4	252				Beer Ashwan	38	18			
		14/2			01 01			1			08 60
		25						2			12 65
		11			02 78			3			00 25
		249						7			03 29
		6			00 25			8			14 41
		17			01 01			9			02 78
		24			11 13			14			10 88
		25			10 88			15			10 88
		250						16			03 29
		19			12 39			19			01 77
		20			09 61			20			14 42
		252				Ram Nagar Sibjan	6	357/1			01 01
		15/1			00 00			357/2			07 33
		267						357/3			05 31
		14			01 77			358			01 52
		16/2			09 11			368			18 46
		17/1			04 30			369			02 78
		17/2			06 07			370			00 51
		25/1			00 51			367			04 05
								371			17 70
								373			22 26
Rattoke	76	17				Kambo Majra Khurd	36	207			08 60
		6/1			05 81						
		6/3			04 55						
		7			12 39						
		8			08 60						
Killa Bharian	5	53									
		19/3			05 56	Aspal Kalan	79	109			
		63						21			12 40
		3			11 89	Kot Duna	80	52			
		51						12			00 25
		16			01 25			18			05 06
		51						19			12 65
		17			04 55			20			12 39
		18			04 81						
		23/1			07 33	Tehsil : Mansa Distt : Bhatinda State : Punjab					
		24			07 84						
		25			12 14						
		53				Aklia	6	98			
		18			12 90			22/2			01 77
		19/1			01 77			72			
		19/2			10 88			3			01 79
		20/1			05 82			86			
		20/2			02 78			6			12 65
		59						9			03 04
		5/2			04 65			1490			00 51
Loha Khera		90				Tehsil : Phul Distt : Bhatinda State : Punjab					
		20			01 52						
		80									
		18			12 39	Chouke	450	229			
								7			06 83

1	2	3	4	5	6	1	2	3	4	5	6
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						Gulab Garh Alias Nai Wala	58 19 15/2 16 17 18/1 18/2 19/1 21/1 21/2 22/1 20/24		05 31 07 59 12 90 00 25 11 64 01 77 09 86 04 81 01 77 00 51		
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Chak Fattch Singh Wala	205	136 24/1		01	77						
Tung Wali	208	172 21/2 177 13 178 12		04 11 01	30 13 26						

[No. R-31015/22/92-OR-I]

KULDIP SINGH, Under Secy.

दिल्ली विकास प्राधिकरण

नई दिल्ली, 26 अगस्त, 1992

का. अ. 142.—भारत सरकार, राष्ट्रीय विकास संस्थान, भूमि एवं विकास कार्यालय द्वारा जारी किये गये पत्र नं. पुन-1-2(26)/86 दि. 21-1-87 के अनुसंधान में दिल्ली जिलामें प्राधिकरण केन्द्रित सरकार के निपटान पर गये हैं गई अनुपूर्वा में कागजात भूमि, जो प्लॉट नं. 31-3-1937 के तहत और उनके साथ दर्शाया गये अनुपूर्वा द्वारा दिल्ली इम्प्रूवमेंट ट्रस्ट (अब दिल्ली विकास प्राधिकरण है) को दी गई थी, भूमि एवं विकास कार्यालय, राष्ट्रीय विकास संस्थान, भारत सरकार, नई दिल्ली को बताने के लिए है कि यह इस भूमि को भारतीय कृषि अनुसंधान संस्थान को अंतरित कर सके।

अनुपूर्वा

दक्षिणी रिज राजस्थ संघ में खसरा नं. 215 मित. में स्थित लगभग 1.059 एकड़ का भूखंड

अपर्युक्त भूखंड निम्नानुसार विभाजित हुआ है:—

उत्तर में : पूसा प्रयोगशाला रोड

पूर्व में : इंदरपुरी रोड

दक्षिण में : भारतीय कृषि अनुसंधान संस्थान की भूमि।

पश्चिम में : भारतीय कृषि अनुसंधान संस्थान की भूमि।

गं. एम. एंड. एम. 33(3)/85-एम. अ. 1/4/87]

नयन सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 26th August, 1992

S.O. 142.—In pursuance of the letter No. L-JI-2(26)/86 dated 21-1-1987 issued by Government of India, Ministry of Urban Development, Land and Development Office, Delhi Development Authority has replaced at the disposal of the Central Government the land described in the Schedule given below, which was placed at the disposal of Delhi Improvement Trust (Now DDA) vide agreement dated 31-3-1937 executed between the Secy. of State for India in Council and the Delhi Improvement Trust and schedule shown herein, for placing it at the disposal of the Land and

Development Office, Ministry of Urban Development Government of India, New Delhi for further transfer of land to the Indian Agricultural Research Statistics Institute, New Delhi.

SCHEDULE

Piece of land measuring about 1.059 acres situated in Southern Ridge Revenue Estate bearing Khasra No. 215 min.

The above piece of land is bounded as follows :—

North : Pusa Laboratory Road.
East : Inderpuri Road,
South : IARS Land.
West : IARS Land.

[No. S & S. 33 (3)/85-ASO-I/467]
RANBIR SINGH, Secy.

अम संज्ञाखण्ड

नद निर्णय, 24 दिसम्बर 1992

का.सा. 113 - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यक्ष में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधक के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, प्रत्यक्ष में दिव्य औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम व अन्य प्रावधानों के अन्तर्गत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[नं. 12012/353/86-डी (II) (ए)]
एन. के. जैन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 24th December, 1992

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Indore and their workmen, which was received by the Central Government on the 24-12-92.

[No. 12012/353/86-D-II(A)]
S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 89 of 87

In the matter of dispute between:

Sri Sanjeev Kumar Gupta,
C/o Sri V. N. Sekhari,
26/104 Birhana Road,
Kanpur.

And

The Manager State Bank of Indore,
Gumti No. 5,
Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/353/86-D-II(A) dt. 21-7-87, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of State Bank of Indore, Kanpur, in terminating the services of S/Sri Sanjay Kumar Gupta and Pooran Mal w.e.f. 13-4-85

and 4-2-85 respectively and not considering them for further employment while recruiting fresh hands under sec. 25H of the I.D. Act was justified? If not, to what relief are the concerned workmen entitled?

2. There are two workmen in the case, one is Sri Sanjay Kumar Gupta and the second is Sri Pooran Mal. The case on behalf of Sri Pooran Mal has been espoused by the Secretary, U.P. Bank Employees Union, Kanpur. In this case despite issue of notice no claim statement has been filed by the Union in respect of Sri Pooran Mal.

3. The case set up by Sri Sanjay Kumar Gupta, is that in order to avoid appointment of permanent hands, the bank started a practice of appointing temporary employees for doing the work of regular/permanent nature, to deprive such workmen from becoming regular employees of the bank and in continuance of such practice appointments were made by the management bank not exceeding 75 days under the head office instructions so that such appointees may not be allowed the benefits of Bank Award/Settlements. According to the workman in pursuance of the said policy he was appointed as Gumti No. 5 Branch Kanpur of the bank for doing to work of permanent nature for a period of 75 days from 28-1-85 to 12-4-85. The workman pleads that there was no justification of the retrenchment/termination of his services. The workman was not the junior most when his services were terminated and junior hands were allowed to continue by the management. The Union further alleges that after the termination of his services fresh hands were employed by the bank without affording the workman any opportunity of re-employment in service. The management bank has thus violated Articles 14, 16 and 21 of the Constitution, sections 25G, 25H and 25J of the I.D. Act, paras 493, 495, 507, 516, 522 and 524 of the Sastri Award and paras 20.7 and 20.8 of the First Bipartite Settlement. He has, therefore, prayed for his reinstatement with full back wages.

4. The case is contested by the management of the State Bank of Indore. The management pleads that Sri Sanjay Kumar Gupta was appointed as a temporary peon vide letter of appointment dt. 28-1-85 copy annexure 2, against officiating vacancy of Sri A. N. Srivastava, Cash Peon till required but not more than 75 days in all. In accordance with the terms of the appointment letter he ceased to be in the employment of the bank on 12-4-85. His appointment being for a fixed period, his case is covered by section 2(a)(b) of the I.D. Act. The management further pleads that on 12-4-85, the workman was junior most employee in the branch. The management deny that after Sri Gupta ceased to be in service, fresh hands were appointed by the bank. Some legal pleas have also been raised by the management, they are that there does not exist any valid industrial dispute and that Sri Gupta is not a workman within the meaning of section 2(s) of the I.D. Act.

5. In support of his case, the workman has examined himself and filed some documents. On the other hand, the management relied upon documentary evidence.

6. Ext. M.1 is the copy of application dt. 24-1-85 of the workman by means of which he was appointed as a temporary peon in the leave vacancy of Sri A. N. Srivastava cash peon till required but not more than 75 days in all in any case. Thus from the documentary evidence it becomes evident that his appointment was for a fixed term. Therefore his case prima facie falls within the ambit of section 2(a)(b) of the I.D. Act, 1947.

6. Although it has been alleged by the workman that he was not the junior most at the time of termination of his services and that fresh hands were employed by the bank after the termination of his services he has not named persons either in the claim statement or even in his affidavit who was junior to him at the time of termination of his services and who were said to have been appointed/engaged after the termination of his services. I may state here that since he had not completed one year of service within the meaning of section 25B of the I.D. Act, 1947,

his case is not covered at all by section 25G, 25H read with Rules 77 & 78 of the I.D. Central Rules, 1957. Thus the workman Sanjay Kumar Gupta has no case at all. He is not entitled to any relief.

8. Hence, the action of the management of the State Bank of Indore in terminating the services of Sri Sanjay Kumar Gupta, w.e.f. 13-4-85 was neither illegal nor unjustified. As said above by me section 25H I.D. Act did not apply to his case.

9. So far as Sri Pooran Mal workman is concerned, since no claim statement has been filed on his behalf by the Union, a no claim award is given against him.

10. Referecne is answered accordingly.

ARIAN DEV, Presiding Officer

नई दिल्ली: 31 दिसम्बर, 1992

सा. प्र. 144. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में निम्नलिखित आदेशों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, न. 2 मुंबई के पत्रपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-12-92 को प्राप्त हुआ था।

[संख्या एल-12012/285/84-डी-II (ए)]

ए.के. जैन, डेस्क अधिकारी

New Delhi, the 31st December, 1992

S.O. 144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 29-12-92.

[No. L-12012/285/84-D.II(A)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri P. D. Apsankar, Presiding Officer.

Reference No. CGIT-2/22 of 1986

PARTIES:

Employers in relation to the Management of State Bank of India.

AND

Their Workmen.

APPEARANCES:

For the Employers: Shri A. K. Ramani, Officer.

For the Workmen: Shri S. D. Phadke, President, State Bank of India and Subsidiary Banks Employees Union.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 26th November, 1992

AWARD PART-II

The Central Government by their Order No. L-12012/285/84-D.II(A) dated 26-5-1986 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:

"Whether the action of the management of State Bank of India in relation to their Murtizapur Branch in discharging Shri S. W. Khetre, Watchman from service vide order dated 21-6-1977, was justified? If not, to what relief the workmen concerned entitled?"

2. The workman in question Shri S. W. Khetre was working as a Watchman in the Murtizapur Branch, Akola District, or the State Bank of India. On 8-9-1975 the Waterman by name Shri N. Mhaske filed a complaint with the Branch Officer of that Bank stating that on 6th and 7th September, 1975 the said workman Shri Khetre had molested and outraged the modesty of his daughter Miss Pushpa in the Bank premises, and that he learnt about it from his daughter. Therefore, a chargesheet was issued against the said workman by the Bank management in March 1976. The alleged charge amounted to gross misconduct on the part of the said workman, as per the provisions of Shastri Award. The necessary domestic enquiry was held against him. The Enquiry Officer held the charges proved. The reuter, the Bank management, after following the further necessary procedure, discharged him from service with effect from 21-7-1977.

3. Now, the case of the said workman as disclosed from the Statement of Claim (Ex. 2) in short is thus:

He was discharged from service at a time when the Emergency was declared in the country. Taking undue advantage of the existence of the Emergency, the Bank Management, especially the Branch Manager Shri Shaligram, with ulterior motive and mala fide intention cooked up a false case against him, as above. He was not supplied with the copy of the complaint lodged by the said waterman with the Bank management. Further, the alleged misconduct was a private transaction of the workman totally unconnected with his official duties. He had not committed any misconduct. The Branch Manager Shri Shaligram got a false complaint lodged by the Waterman Shri N. Mhaske against the workman, for some ulterior motive. The enquiry against his had proceeded ex-parte. He was not supplied with copies of the necessary documents. No police complaint was lodged against the workman by the said Waterman or by the Bank management regarding the said alleged incident. The workman was not given proper opportunity to lead evidence on his behalf. The enquiry was not held as per the provisions of Shastri and Desai Awards. He was not given proper opportunity to defend himself. The findings of the Enquiry Officer are perverse, and not based on the evidence on record. The termination of service of the workman amounts to unfair labour practice on the part of the Bank management. An honest and innocent employee has been punished by the Bank management for no fault of his. The Appellate authority did not apply its judicial mind while deciding the appeal filed by the workman against the order of the disciplinary authority. The workman further prayed that the action of the management in discharging him from service is arbitrary, illegal and mala fide, and he be directed to be reinstated in service, with full back wages and continuity of service.

4. The Regional Manager of the said Bank by his Written Statement (Ex. 3) opposed the prayer made by the said workman, and contended thus:

The said workman Shri S. W. Khetre was working as a Watchman at Murtizapur Branch, District Akola. In September 1975 he committed certain acts of misconduct as per the complaint lodged by the Waterman Shri N. Mhaske against the said Watchman. Accordingly a chargesheet was issued against that Watchman in March 1976. Those charges amounted to gross misconduct as per the provisions of Shastri Award and Desai Award. The workman was issued with a show cause notice, and thereafter the necessary enquiry was held against him on 3-4-1976. The workman had requested for adjournment but the Bank did not accede to his request for adjournment, and as such the enquiry was held ex-parte against the workman. However, thereafter on the request of the workman, the disciplinary authority quashed the said ex-parte enquiry, and a fresh enquiry was again held against the workman in July 1976. The workman was represented by the Assistant Secretary of the Union, by name Shri R. N. Jamekar. Ten witnesses were examined and cross-examined in that enquiry. That enquiry was

held as per the rules of natural justice, and sufficient opportunity was given to the workman to defend himself.

- (ii) The Enquiry Officer held that the charges levelled against the workman were duly proved. The Enquiry Officer submitted his report to the disciplinary authority. The disciplinary authority, after again considering the matter on record independently, came to the conclusion that the charges were properly proved against the workman, and that he deserved the punishment of dismissal from service. However, on humanitarian grounds the Watchman was awarded the punishment of discharge from service. Thereafter the workman filed the appeal to the Appellate authority. The Appellate authority, however, agreed with the view of the disciplinary authority and dismissed the appeal. After the dismissal of the Appeal the workman approached the Assistant Labour Commissioner (C) and raised an industrial dispute. The Conciliation before the Assistant Labour Commissioner (C) failed, and the report of the failure of conciliation was sent to the Ministry of Labour, Government of India. The Government of India, after considering the case in detail had come to the conclusion that it was not a fit case for referring to the Industrial Tribunal as the action of the Bank Management in discharging the workman from service on the basis of the findings arrived at by the Enquiry Officer, were not unjust or mala fide. Thereafter, after a lapse of 8 to 9 years the workman's Union approached the Government of India and requested that the reference of the dispute be made to an Industrial Tribunal. The Government of India in November 1985 called for the say of the Bank management. The Bank Management by their say dated 16-1-1986 opposed the said request of the Union. However, ultimately the Government of India referred the present industrial dispute to this Tribunal.

5. The Bank management by their further written statement (Ex. 4) alleged that the present reference made about 9 years after the discharge of the workman, is illegal and arbitrary and that this Tribunal should hold accordingly. Further the present claim of the workman is stale and of old dispute.

6. The Bank management further contended that the findings of the Enquiry Officer are just and proper and are not perverse. The Bank management did not indulge in any unfair labour practice against the said workman. The post of Watchman is a post of trust and confidence and requires high degree of morality and honesty on the part of that Watchman. The misconducts committed by the said workman, as duly proved, in the enquiry conducted, are unbecoming of a Watchman working in Banking industry. The Bank lost its confidence in the workman. As such he is not entitled to reinstatement in service. The Bank management, therefore, prayed that the request of the workman be rejected, and its action be upheld as just and proper.

7. The Issues framed at Ex. 5 are :

1. Does the workman prove that the inquiry held against him, was not held properly, and the rules of natural justice were not followed?
2. Whether the findings of the Inquiry Officer are perverse and bad in law?
3. Whether the management of the State Bank of India had indulged in unfair labour practices against the workman Shri S. W. Kheire and had victimised him?
4. Whether the present reference made by the Central Government, Ministry of Labour is illegal, arbitrary and void, for the reasons urged by the Bank management in their "Preliminary Objection" dated 10-8-88?
5. Whether the action of the management of State Bank of India in relation to their Murizapur Branch in discharging Shri S. W. Kheire Watchman from service vide order dated 21-6-1977, was justified?
6. If not, to what relief the workman concerned is entitled?
7. What Award?

8. Issue No. 4 was tried as a preliminary issue. The finding recorded on that issue by the Award—Part I dated 10-7-1989 is that the reference made by the Central Government is not illegal, arbitrary and void, but that it is valid and legal.

9. My findings on the rest of the Issues are :

- (1) Held properly.
- (2) No.
- (3) No.
- (5) Yes.
- (6) Does not survive.
- (7) Award as per below.

REASONS

10. Issue No. 1.—The workman Shri S. W. Kheire filed his affidavit (Ex. 17) in support of his case, and he was cross-examined on behalf of the Bank Management Shri S. Shaligram, the then Branch Manager of the Murizapur Branch and the Presenting Officer in the Enquiry proceedings, filed his affidavit (Ex. 22) in support of the case of the Bank management, and he was cross-examined on behalf of the workman. The workman stated and admitted in his cross-examination thus :

"Two enquiries were held against me. I did not take part in the first inquiry, which proceeded ex-parte against me. However, the bank itself of its own accord cancelled that inquiry and conducted a fresh inquiry, wherein I had participated. The Assistant General Secretary of our Union was my defence representative in that second inquiry. I was supplied with the copy of the charge-sheet. I did not reply to that charge-sheet. I can sign in English but I do not understand English. My signatures were obtained on different documents including the minutes proceedings of the enquiry. Whenever my signatures were obtained, my defence representative was present. I did not ask for any documents from the bank management during the enquiry proceedings, or at any time thereafter, or at any time thereafter. I was not prevented by the enquiry officer from producing my witnesses to lead the evidence during the enquiry proceedings. I am knowing Shri Mhaske, the Waterman in the Bank. I had no bias against him. (N. Mhaske is the father of the Girl Pushpa referred to below). At the time of the alleged misconduct on my part, N. Mhaske and his daughter were present in the door N. Mhaske was not present in the premises of the bank at the time of the alleged incident. I had never worked under Shri Aurangabadkar, the enquiry officer. I had no contact with him in any way during my service period. I had no grudge against him. I referred to victimization in my Statement of Claim. No statement was made by me regarding the victimization during the enquiry proceedings. The chargesheet was issued against me on the allegation that I had assaulted Shri Shaligram, the Administrative Officer. I executed a Bond of a period of one year of good behaviour. I was detained in the police custody for two weeks in that case before I executed the bond.

It is thus quite clear from the different Statements and admissions made by the said workman in his cross-examination that enquiry held against him was held properly and as per rules of natural justice and was not held improperly and in an unjust manner as alleged by the workman. The charges levelled against the workman (Ex. 13) during the enquiry proceedings were thus :

- (1) While on duty he behaved indecently in the premises of the bank with the young daughter of Shri N. Mhaske, Waterman in as much as :
 - (a) On 6th September, 1975 he paid her 50 naye paise and molested her by laying his hands on her person.

(b) On 7th September, 1975 he again paid her Rs. 1/- and against molested her by laying his hands on her person and removed her clothes and forced her to lie on a trunk in the tiffin room.

(c) On 18th September, 1975 he again molested her.

(2) He behaved disorderly in the bank's premises on 15-9-1975 at 6.00 p.m. and gave threat to Shri Kulkarni, Messenger, with dire consequences.

(3) On 20-9-1975 at about 9 a.m. in wilful insubordination and disobedience of the Branch Manager's instructions, he refused to permit the waterman Shri Mhaske to enter into the bank premises, refused to permit the landlord and his labourers to enter into the Bank premises to carryout certain repairs.

(4) On 24-9-1975 he disobeyed the lawful and reasonable instructions of his superior officer not to handle the gun.

He was informed by the said memo that in case those charges are proved they will amount to gross and/or minor misconduct on his part in terms of the provisions of the Awards.

11. According to the workman, the findings recorded by the Enquiry Officer are not just and proper but are perverse. I have gone through the report of the Enquiry Officer and I find that his findings are quite just, proper and based upon the evidence led before him and are not perverse in any way. The girl Pushpa Mhaske made her statement before him that on that particular day the said workman gave her a coin of eight annas and placed his hand on her breast, and on the next day, he gave her a coin of one rupee and embraced her in the room. There is absolutely no reason why she should make a false statement before the Enquiry Officer. She was the only eye-witness to the incident in question. Her father who lodged the complaint about the said incident with the bank management was ill at the time of the enquiry proceedings, and as such his statement could not be recorded before the enquiry officer. I find that the Enquiry Officer came to the conclusion holding all the charges levelled against the workman duly proved, on the basis of the evidence led before him and after going through the evidence of the different witnesses examined before him. A finding is perverse in case no reasonable person would have arrived at it. However, such is not the case in the present case. As such I find that the findings of the enquiry officer are just, proper, and based upon the evidence led before him.

12. According to the workman, on 6-9-1975, i.e. on the first day of the alleged incident, he was on leave. This contention has been raised by him for the first time at the time of the arguments only. No such plea was taken during the enquiry proceedings, or in his statement of claim. Further, there is no evidence on record to show that he was on leave on 6-9-1975. Assuming that he was on leave on 6-9-1975, it is clear from the charges and the findings that he had outraged the modesty of the said girl Pushpa on 7th and 8th September, 1975. Therefore, the findings of the enquiry officer are just and proper, and are not unjust and improper.

Issue No. 2 is, therefore, found in the negative.

13. Issue No. 3.—According to the workmen the Bank management had indulged in unfair labour practice against him. According to him, he was falsely involved in criminal cases. As per the 5th Schedule of the Industrial Disputes Act, 1947, Clause 5(c), "in case the workman is discharged or dismissed by the employer by falsely implicating a workman in a criminal case on false evidence or on concocted evidence" that will amount to unfair labour practice on the part of the employer. In the present case, the workman in question has not been discharged because of any criminal case against him. He has been discharged on the basis of the findings recorded during the enquiry proceedings regarding certain charges. There is absolutely no evidence on record to show that the employer had indulged in an unfair labour practice.

Therefore, Issue No. 3 is found in the negative.

14. Issue No. 5.—Therefore, as it was duly proved in the Enquiry Proceedings held against the workman that he had outraged the modesty of the young girl Pushpa and had disobeyed lawful and reasonable instructions of the Superior, the bank's action in discharging him from service is quite just, legal and proper. In fact the workman could have been dismissed from services, but the bank management took the lenient view, and only discharged him from services. While the incident in question had taken place in 1975, it is seen from the record that in 1989 the said workman was prosecuted for offences under sections 448, 323 and 506 of Indian Penal Code in the court of Judicial Magistrate, 1st Class, Nagpur, and was found guilty of those offences (Ex. 20). That judgement was upheld by the Sessions Judge, Nagpur, by his Judgment dated 1-9-1990 (Ex. 21), even though the workman was ordered to be released on his executing the necessary bond of good behaviour for a period of one year.

15. According to the workman, he was not supplied with the copy of the complaint lodged by the girl Pushpa's father and also the copies of some other documents, during the enquiry proceedings. However, as noted above, he admitted in his cross-examination before this Tribunal that he had not asked for any document during the enquiry proceedings, or thereafter, or thereafter. Therefore, in case the copies of the necessary documents would not have been supplied to him, he would have asked for them. I accept the case of the Bank Management that the copies of all the necessary documents were supplied to him during the enquiry proceedings.

16. In the result, the action of the bank management in discharging the said workman from services is found by me as quite just, legal and proper.

Issue No. 5 is therefore found in the affirmative.

As such, Issue No. 6 does not survive.

17. Therefore, the following Award is passed :

AWARD

The action of the management of State Bank of India in relation to their Murtizapur Branch in discharging Shri S. W. Khetre; Watchman from service vide order dated 21-6-1977 is just, proper and legal. The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 92

का.प्र. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अन्वये ए. एन. जेड ग्रिन्डलेज बैंक पी एल सी के प्रबंधन के विरुद्ध श्री शेखर जी. श्रीवास एवं दो अन्य द्वारा दायर एक प्रार्थना पत्र के संबंध में अनुबंध में निश्चित संवत्स के पंचाट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को दिनांक 28-12-92 को प्राप्त हुआ था।

[संख्या—एन. 12011/44/90-आईआर (बी-III) (आई. आर.बी-1)]
एन. के. जैन् जेड अधिकारी

New Delhi, the 31st December, 1992

S.O. 145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the ARBITRATOR, as shown in the annexure, in respect of a complaint u/s 33-A of the said Act, filed by Shri Shekar G. Shrivani and two others against the management of ANZ Grindlays Bank plc, which was received by the Central Government on 28th December, 1992.

[No. I-12011/44/90-I.R.B.III(I.R.B.-I)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SHRI H. G. BHAVE, JT. CHIEF LABOUR.
COMMISSIONER(C)-RETD.

AND

ARBITRATOR

NAGPUR

Complaint No. 2 of 1992

(Arising out of Reference No. ARBN No. 1 of 1992)

PARTIES :

Shri Shekar G. Shriyan and 2 others.—Complainant.

Versus

ANZ Grindlays Bank Plc, Bombay.—Opposite Party.

PRESENT :

H. G. BHAVE, ARBITRATOR

APPEARANCES :

For The Complainants.—Shri P. N. Subramanyan
Authorised Representative.For The Opposite Party.—1. Shri C. Krishnamurthi
Country Manager-Employee Relations.2. Shri N. V. Srinivasan Manager-Employee Re-
lations.INDUSTRY : Banking. STATE : Maharashtra.
Nagpur, Dated 26th December, 1992

AWARD

An industrial dispute between the employers in relation to the management of ANZ Grindlays Bank Plc and their workmen represented by A.I.G.B.E. Federation and A.I.G.B.E. Association over the issues with regard to upward revision of Pension and allied matters of employees and for enhancing the quantum of Canteen Subsidy has been referred to me for Arbitration under Section 10-A of the Industrial Disputes Act, 1947 vide agreement dated 20th February, 1992. The Government of India in the Ministry of Labour vide their order dated 6th March, 1992, in pursuance of Sub-Section (3) of Section 10-A of the said Act, have published the said agreement in the Gazette of India, the proceedings in respect of which are pending before me.

¶ This Composite Complaint by Shri Shekar G. Shriyan and two other Sub-staff in the Mahatma Gandhi Road branch of the ANZ Grindlays Bank at Bombay has been filed U/s. 33-A of the Act against the Bank as they are concerned in the dispute pending in the arbitration proceedings. The complaint dated 27th October, 1992 was received on 30th October, 1992 through speed post. The employers sent their reply statement dated November 7, 1992 which was received by the Arbitrator on 11-11-1992.

30. The complainants and the opposite party Bank were issued notices on 2nd November, 1992 directing them to be present in the hearing fixed for 16-11-1992 at Bombay. Accordingly, both the parties attended. On that day Shri Subramanyan informed that the Complainants had not received the Bank's reply statement reported to have been sent on 9-11-1992. The Opposite Party then supplied one copy. The authorised representative of the Complainants desired time to study it and present their case. Hearing was hence adjourned to 17th November, 1992. On that day the Complainants filed a rejoinder to the Banks reply statement dated 7-11-1992. After hearing the elaboration of Shri Subramanyan on their rejoinder, the Arbitrator explained that for appreciating the complaint U/s. 33-A, the contravention of Section 33 has to be explained by the complainants as the arbitrator has to adjudicate upon the complaint as if it were a dispute referred to it. Thereafter the complainants filed copies of six documents marked W1 to W6. The Opposite Party alongwith their reply statement had filed copies of three documents and on 17-11-1992 they further filed four documents, these were marked M1 to M7. The case was further

posted for arguments on 19-11-1992. At the commencement itself, the complainants and arbitrator were informed by the spokesman of the Bank, in reply to the arbitrators query that 1991 Festival Advance of the three workmen in question had been liquidated in September, 1992 salary. Both the parties stated that they had no witness to produce for oral examination. Thereafter the parties argued their case from 10.30 A.M. and concluded at 1 P.M. of 19th November, 1991.

Complaint-Its Gist :

4. The complainants are the members of the Grindlays Bank Employees Union, Bombay which is affiliated to the A.I.G.B.E. Employee's Federation which has espoused the two demands pending before the Arbitrator. The proceeding in which are still on. The complainants are thus concerned in the said disputes. The complainants are eligible and entitled to Festival Advance equivalent to one month's pay. The Advance is interest free and repayable in ten monthly instalments. Such advance is payable by the management for a particular festival chosen by the employees concerned. The three complainants had chosen Diwali Festival for obtaining the said advance. These terms and conditions have been agreed to between the Federation and the Bank. The three complainants submitted on 3-9-1992, their individual applications to the Bank management. The advance asked for was not granted on the plea that they were not eligible to the same as they were on loss of pay from 31-7-1992. Such a condition does not exist for the grant of Festival Advance under the terms of service. It can not be introduced unilaterally by the Bank. This in effect is changing the complainants service conditions to their disadvantage. It amounts to violation of Section 33 of the Industrial Disputes Act, 1947. In their rejoinder dated 17-10-1992 while giving the substance of the complaint as relating to non grant of Festival Advance it was said that all other matters are not material to determine the complaint. The complainants prayed that the action of the Opposite Party in not granting the Festival Advance to the three complainants be held as unfair, unjust and illegal and arbitrator may award the grant of Festival advance to the complainants. It is also stressed in the complaint that during the pendency of adjudication before the Arbitrator in complaint No. 1 of 1992 the Opposite Party has effected the adverse change in the service of the complainants. This also violates the provisions of Section 33 of the Industrial Disputes Act.

Opposite Party Bank's reply Statement :

5. The Bank by its reply statement dated 7th November, 1992 have at the outset asserted that the instant complaint U/S 33-A of the Industrial Disputes Act, 1947 does not arise out of the pending arbitration proceedings. In order to attract the provisions of Section 33-A the concerned employees should show that what is altered is a condition of service in regard to the matter connected with the dispute. The allegations made in the complaint have no connection/relevance with Pension/Canteen Subsidy dispute. Hence no complaint can lie U/S 33-A. The Bank asserts that it has not made any changes in the service conditions which will prejudicially affect the complainants. The grant of Festival Advance is governed by documents mentioned at page 3 of the reply statement viz. Bank's letters to the Federation dated 25-4-1970 and 10-7-1970, Bank's office notice dated 23-5-1977 and C. G. Labour Courts judgement dated 29-4-1977 in Application No. LCB-200 of 1976. The three complainants did apply for festival advance on 3-9-1992 but as they were not eligible for the same, the requests were rejected by the Opposite Party. Regarding Shri Shriyan he has not been attending office for the month of November, 1992. In terms of the conditions governing Festival Advance, any advance is to be recovered in 10 monthly instalments by deducting from the employees' salary commencing with the succeeding month in which it is granted. In view of his continued absence from work, the question of recovering the advance in 10 instalments will not arise, consequently festival advance was not granted. In respect of Shri R. A. Maski and Shri J. L. Chawan, the settlement dated 6-4-1990 for the grant of vehicle/domestic

appliances loan is quoted. It is highlighted that the general rules states that loans cannot be granted for an amount which would necessitate repayment instalments to an extent which including repayments on other loans other than housing loan repayments would exceed 40% of the individual's total net emoluments from the Bank. In their cases also the refusal to grant Festival Advance has been only in terms of the rules applicable for grant of such an advance. Hence no condition has changed in respect of the grant of Festival Advance. The Opposite Party therefore, prayed that the complaint not being maintainable, the Bank's action be held as correct and legal.

Pleadings on behalf of the Complainants.

6. On the date of the arguments on 19-11-1992, Shri Subramanyan, the General Secretary of the A.I.G.B.E. Federation and duly authorised representative of the 3 complainants reiterated the complainants complaint filed before me on 27th October, 1992. While arguing their case, he first explained how the complainants are interested in and concerned with the industrial dispute pending before the Arbitrator. The expression "workmen concerned in such dispute" occurring in Sections 33(1)(a) and 33(2) of the Act includes not merely such workmen as are directly or immediately concerned with the dispute but also those on whose behalf the dispute is raised, as well as those who, when the award is made, will be bound by it. In support the learned spokesman for the complainant relied upon some cases including Hindustan Copper Ltd. Vs. Industrial Tribunal Jaipur 1979 I.L.C 172. He elaborated how the complainants are concerned with the dispute raised by the Federation and pending before the Arbitrator for determination. All those who sponsor the dispute are concerned in the dispute. The complainants satisfy the position of 'concerned in such dispute'.

6.1 Shri Subramanyan, explaining the purpose of Section 33, said that it is precisely to avoid injustice on the part of the employers and to ensure that status quo is maintained in respect of conditions of service. The requirements of Section 33 are fulfilled hence any change in service condition effected unilaterally by the employer can be challenged.

6.2 It was made clear that Section 33(1) is not attracted as the matter complained of is not connected with the pending dispute i.e. regarding Pension or Canteen Subsidy. However, Section 33(2)(a) is very much attracted as alteration of service conditions has been done which the employer is not permitted to do. If change is not proved, the application can be dismissed. If there is a change, application stands and relief can be sought for. What is to be adjudicated, it is the complaint as a dispute and not other matters. He then dwelt upon the main substance of the complaint.

6.3 He drew attention to W1 and W2 and said these two are common to M1 and M2. From 1970 there exist service condition about the grant of festival advance. There was a dispute on interpretation which was streamlined by the C.G.L.C. on 29-4-1977. According to these (1) each employee has to choose a festival and for that only he gets the Festival Advance ;

- (2) unless the earlier advance is liquidated, no further advance will be granted.

Shri Subramanyan stated that M1 and M2 stand superseded by M4. Thus entitlement or right of Festival Advance is there if above two conditions are fulfilled. Manner of repayment is not a service condition. M1 only says the amount of Festival Advance will be repaid in ten monthly instalments. It does not speak of ten monthly equal instalments. The 1991 Festival Advance of the complainants stand repaid by September, 1992, so condition (2) above is fulfilled. 1991 Festival Advance stand liquidated. Complainants entitlement for Festival Advance for 1992 become their right. The rejection of applications in October, 1992 becomes a clear violation of the service condition governing the grant of Festival Advance.

6.4 At W3 (Pages 3 to 5) are the applications dated 3-9-1992 of the complainants made to the Manager of the branch of the Bank for the Diwali Festival advance. Advance asked for was refused on 14-10-1992. When the

earlier Festival Advance stood liquidated why their request was refused, questioned Shri Subramanyan. This refusal amounts to adverse change, which is not permitted U/S 33(2)(a) of the Industrial Disputes Act, 1947. The case is very simple and straight, if there is a change, the matter requires orders in favour of the complainants. The reason for refusal of Festival Advance viz. loss of pay from 31-7-92 is absolutely irrelevant. One may be on loss of pay yet he may have capacity to repay before the next Festival Advance is asked for. M3 should have bearing on M1, M2 and M4. The Bank has no basis for its own interpretation. Para 4 of M3 reflects the correct position. If earlier Festival Advance is liquidated further advance can in no circumstances be refused. Before closing, he asserted that M6 is not relevant and M5 and M7 are not connected with the issue.

6.5 Relying on the Hon'ble Supreme Court's decision reported in 1965 II L.J 128 : Tata Iron and Steel Company Ltd. and S. N. Modak, Shri Subramanyan argued that when an employer does not come for approval for changing service conditions which are non-existent in the standing orders or in the terms of the contract, the workman have a right to make a complaint U/S 33-A and get the issue adjudicated. This is exactly what has been done in the instant complaint. In view of all this he pleaded that the prayer made in the complaint, in the circumstances of the case, be granted.

Bank's pleadings :

7. The spokesman of the Opposite Party Bank, Shri Srinivasan reiterated the Bank's written reply statement dated 7-11-1992. He said Section 33(1) of the Act is not attracted as admitted by the authorised representative of the complainants. So the only relevant section in the matter is Section 33(2). Document at M1 shows that from April, 1970, as a uniform practice, as agreed with the Federation a month's salary was to be paid once a year to any employee for any festival only and this amount was to be repaid in ten monthly instalments. According to M2 no other advance in anticipation of salary was to be granted by the Bank except of course salary advance for leave period. The communication dated 10-7-1970 sent to the Federation also requires the workmen to advise the management for which one festival they will seek the advance. The expression 'Salary' for the purpose was to include (1) Basic Pay (2) D.A. and (3) Special allowance (if payable). Consequent upon the Labour Court's judgement dated 29-4-1977—M4, the Bank issued the notice on 23rd May, 1977 M3 placing in a consolidated manner the 4 conditions relating to grant of Festival Advance.

7.1 On the date viz. 3-9-1992 when the complainants applied for Festival Advance for Diwali, one instalment from previous year's advance was still outstanding. Though they were getting the salary they were on a loss of pay for many days in a month. Drawing attention to M6 which is annexure C to conciliation settlement dated 6th April, 1990 reached before the Deputy Chief Labour Commissioner (Central), New Delhi, Shri Srinivasan pointed out that Rule 1 of the General Rules enlisted there stipulate that loans cannot be granted for an amount which would necessitate repayment of instalments to an extent which including repayments on other loans granted by the Bank (other than Housing loan repayments) would exceed 40 per cent (forty percent) of the individual's total net emoluments from the Bank. As this condition of the General Rules is not satisfied, no festival advance could be granted to the three complainants. When loan is granted the Bank has to ensure that it can be properly recovered from the employees salary. He further asserted that as conditions of M3 are not fulfilled, action of the Bank is in accordance with the terms of contract both express and implied.

7.2 The learned spokesman of the Bank Shri Srinivasan placed reliance upon a few Superior Courts, decisions. The first decision relied upon by him is the one reported in 1968 II L.J 470 : Stanley Mender Vs. Giovanna Binnu Ltd. and others. In that case the Hon'ble High Court Kerala has held that if the employer is only implementing the very terms and conditions of employment, the termination of the services of a person will not constitute an alteration of the terms and conditions of service.

7.3 Placing reliance on yet another case reported in 1970 II L.J 413-Indian Overseas Ltd and Udaynath Singh and others it was pin pointed that once it is held that the

matters complained of do not form part of the conditions of service, the management can not be considered to have committed any alteration in the conditions of service which is a very basis for a complaint U/S 33-A.

7.4 Refusal of Festival Advance, if it is in accordance with the terms of contract cannot constitute contravention of the provisions of Section 33 and in that case no complaint can lie U/S 33-A of the Act. Hence Shri Srinivasan concluding his arguments, stated that Bank's action in refusal of Festival Advance is quite justified and legal.

FINDINGS :

8. Section 33-A envisages a counter action by a workman to a contravention of Section 33 by his employer. The counter action is to be initiated by a workman or workmen who may be affected by a contravention of any provisions of Section 33 and consists of a complaint in writing to the authority before whom a proceeding is already pending. Thus, Section 33-A makes a special provision for adjudication as to whether any employer has contravened the provisions of Section 33. This section has conferred on industrial employees a very valuable right of seeking the protection in case their rights have been violated. Section 33-A provides that wherever an employee has a grievance, he may make a complaint to the specified authorities and such a complaint would be tried as if it was an industrial dispute referred to that authority under Section 10 of the Act. In other words, the complaint is treated as an independent industrial proceeding and an award has to be pronounced on it by the authority concerned—Arbitrator in the present case.

8.1 The important ingredient of Section 33 is that the workman must establish that he is a workman concerned in the dispute which is pending because it is this fact of concern and the fact that the alteration was effected during the pendency of the dispute that gives jurisdiction to an authority mentioned in Section 33 to take cognizance of a contravention of the Section. Even if an alteration takes place and even if at that time a dispute is pending, a workman, who is not concerned in the pending dispute, can have no cause of action U/s 33. In the instant case, the complainants have stated and proved both the above aspects which are not denied by the Opposite Party.

8.2 The employers have stressed in this case that what has been complained of by the complainants is not connected with the subject matter of the dispute pending before the Arbitrator, hence Section 33(1)(a) is not relevant. Shri Subramanyan has also in his arguments on behalf of the complainant made on 19th November, 1992 had at the very outset stated that Section 33(1)(a) is not attracted in this case. The case, therefore, of the complainants, is relating to Section 33(2)(a). It would be noticed from the existing provisions, that even during the pendency of an industrial dispute the employer's right is now recognised to make an alteration in the conditions of service so long as it does not relate to a matter connected with the pending dispute and this right can be exercised by him only in accordance with the relevant standing orders or in accordance with the terms of the contract, whether express or implied between the employer and the workman.

8.3 The only limited issue before me is the non-grant of festival advance for 1992 Diwali by the Bank to the three complainants. While the opposite party pleads that the refusal of Festival Advance is in keeping with the terms and conditions and merely in implementation of the existing contract, the complainants proceed on the basis that the non-grant of the Festival Advance is in violation of the workmen's conditions of service. I have given my serious thought to the rival contentions of the two sides. Let me now examine minutely the position in the light of their respective contentions.

8.4 The Bank's letter dated 25-4-1970 to the Federation which is based on their discussions says that in regard to Festival Advance a uniform practice will be followed in all the branches whereby a Month's salary will be paid once a year to any employee for any one festival only. The amount is to be repaid in ten monthly instalments. Subsequent communication of the Bank to the Federation dated 10th July, 1970 provides that workmen should also advise the management for which one festival they will seek an advance. It

also says that the expression 'salary' will include only the Basic Salary plus dearness allowance and special allowance, if payable. The advance referred to there-in does not cover any salary advance falling due during a workmen's leave period. Consequent upon the consent order passed by the C. G. Labour Court, Bombay on 29-4-1977 in Bank's one award staff's application U/S 33 C(2), the Bank issued a notice on 23-5-1977 notifying in a consolidated manner the conditions governing the grant of festival advance. The conditions are those which had been discussed/agreed with the Federation and also the C.G.L.C.'s consent order except for Bank's own unilateral addition in condition number 2. The conditions are :

1. Maximum amount of Festival Advance will be one month's salary i.e. Basic Pay + D.A. + Special allowance if any.
2. The Festival Advance will be recovered in 10 monthly instalments.
3. After May, 1977 the Award Staff will be entitled to the Festival Advance for that festival only which he applies for in the first application.
4. Unless an outstanding Festival Advance is completely liquidated no further Festival Advance will be granted.

The Bank on its own, added an element in condition no. 2, the words "by deducting from the employees' salary commencing with the months succeeding the month in which it is granted". M3 on which the Bank relied contains this addition but it did not form part of the service Rules. Shri Subramanyan on behalf of the complainants had correctly given a poser that the management is creating confusion when in arguments it was said that the Festival Advance is to be recovered in ten equal instalments when it is not so, and moreover, if an entitled employee is on sick leave for quite some period after applying for Festival Advance, how far the Bank can foresee this and refuse the grant of Festival Advance. The Bank has taken support of M6 which is only in regard to General Rules relating to vehicle loans/Domestic appliances. It deals with only loans on which interest is charged but Festival Advance is an advance. Hence I feel that M6 is not relevant and not applicable.

8.5 So what we are left with are the four conditions enumerated above for the grant of Festival Advance. The 3 applicants applied for Festival Advance for DIWALI on 3-9-1992. Diwali in 1992 was between 25th-27th October, 1992. The Bank has categorically, during arguments accepted that 1991 Festival Advance has been liquidated in September, 1992 salary in respect of the 3 complainants. Yet, as W3 (pages 3, 4, 5) shows the Officer Premises/Administration of the Bank passed remarks while not granting the Festival Advance as follows :

"Refused. Not eligible since you are on loss of pay from 31-7-1992".

A benefit prevailing for long, making it a condition of service should not be allowed to be interfered with lightly to the prejudice of the workmen and for this I rely on :

1986 I LLJ 520 SC

Workmen Vs. Indian Hume Pipe Co. Ltd.

8.6 The expression "withdrawal of any customary concession or privilege or change in usage" (The Fourth Schedule of Industrial Disputes Act, 1947) is wide enough to take within its hold the grant of Festival Advance. The refusal of the opposite party to grant the Festival Advance to the 3 workmen when they had fulfilled all the conditions for eligibility for it, can hardly be seen as merely a case of default but amounts to alteration of conditions of service and the complaint was, therefore, rightly made U/S 33-A.

8.7 The complainants in para 6 have also complained that another adverse change has been effected in the terms of service of complainants during the pendency of adjudication in complaint No. 1/92 before me and this violates Section 33 of the Industrial Disputes Act. The facts regarding the complaint number 1/92 are as follows :

- (1) Complaint by Shri H. K. Thingalayya and 42 others made on

12-08-1992.

- | | |
|--|------------|
| (2) Hearing completed on | 16-09-1992 |
| (3) Award sent to Government on | 22-10-1992 |
| (4) Award received by the Central Government (vide Government's notification L-12011/44/90 IR.B III dated 28-10-1992) | 26-10-1992 |
| (5) Award released for publication in Gazetted on | 28-10-1992 |
| (6) Proceedings are deemed to be concluded : On the date on which the Award becomes enforceable (Section 20(3) of the Industrial Disputes Act, 1947) | |
| (7) Award becomes enforceable : On the expiry of thirty days from the date of its publication (Section 17-A of the Act). | |

The Award in complaint No. 1/92 was to be published in the Gazette of India not later than 21-11-1992.

The present complaint's facts are :

- * Application for Festival Advance made on 3-09-1992
- * Festival Advance Refused on 14-10-1992
- * Complaint (No. 2/92) made on 27-10-1992

Thus, it is obvious that during the pendency of the proceedings before the Arbitrator in complaint No. 1/92, the employer had effected change in the conditions of service and contention of para 6 of the complaint dated 27-10-1992 in this regard is correct and valid.

8.8 In the light of the above analysis, I hold that the action of the Opposite Party in not granting Festival Advance to the three complainants is neither legal nor justified. The Bank is directed to :

- (a) to pay to S/Shri Shekar G. Shriyan, R. A. Maski and J. L. Chavan Festival Advance for 1992 (Diwali) on or before 28th January, 1993, and
- (b) to allow them, if necessary, to liquidate the balance instalments of this advance even by Cash as a special case before they apply for 1993 Diwali Advance.

Parties shall bear their own costs.

NAGPUR,

DATED DECEMBER 26, 1992

H. G. BHAVE, Arbitrator

नई दिल्ली, 1 जनवरी, 1993

का.आ 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबंध निषेधकों और उनके कर्मचारियों के बीच, अनुबंध में निषिद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-92 को प्राप्त हुआ था।

[संख्या एन-22012/272/एफ/89-आईआर (सी-II)]

एस.के. जैन, डेस्क अधिकारी

New Delhi, the 1st January, 1993

S.O. 146.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 30-12-1992

[No. L-22012/272/F/89-IR (C-II)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 42 of 1990

In the matter of dispute :

BETWEEN

Smt. Rema Bhardwaj w/o Sri B. B. Bhardwaj U.P.
Medical Hall Bhura Ka Chauraha Moradabad-244001

AND

Senior Regional Manager Food Corporation of India
Habubulla Estate, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-22012/272/F/89-I.R. (Col-II), dated 10-1-1990 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Management of Food Corporation of India in terminating services of Smt. Rema Bhardwaj (who was called C. N. Remani before marriage) f.e.f. 11-10-78 is justified? If not to what relief the workman concerned is entitled?

2. The workman's case in brief is that she was appointed as a typist against a permanent vacancy on 20-6-78 and her services as a typist was terminated orally w.e.f. 11-10-78. On her several representations to the District Manager, Food Corporation of India, Moradabad, she was called for test in English Typing on 8-11-83. She alleges that despite the fact that she passed test she was not appointed as a typist although before and after the said test several persons were appointed as English Typists. Thus the management violated the provisions of Industrial Disputes Act, 1947, and Articles 14, 16 and 19 of the Constitution of India. She has, therefore, prayed that she be reinstated in services with full back wages.

3. The management in reply plead that she was not appointed against any clear vacancy of a typist. In fact no such vacancy of a typist ever existed at that time. By means of her application dated 12-6-78, she applied for appointment as a typist on daily wages. Due to temporary increase of typing work she was appointed as a typist on daily wages. According to the management she had worked even after 11-10-78, although she worked only for 9 days in October 1978. No appointment letter was ever issued in her name and in the same way with the completion of work she was not given any work after 16-10-78. The management also plead that the District Manager, Moradabad, had no authority to recruit regular typists which is a class III post. On her representation she was informed by the Regional Office Lucknow vide its letter dated 2-1-80, that since regular recruitment was banned, her representation for regular appointment as a typist could not be considered. The management, however, admit that in connection with the regular recruitment of typists she was called to Lucknow for a test on 12-11-83, but in the said test she failed. The management deny violation of any provisions of the I. D. Act and articles 14, 16 and 19 of the Constitution of India. It is further pleaded by the management that after leaving FCI she had worked at many places.

4. In her rejoinder she has alleged that after her the management kept one Sri Bajpai as a typist on daily wages and after several year absorbed him as a class IV employee. The post of typist is lying vacant at Moradabad even today.

5. In support of their respective cases both sides have led oral as well as documentary evidence. Whereas the workman has examined herself, the management have examined Sri Prem Chand Singh Assistant Manager, Moradabad.

6. Ext. W-1 is the copy of her application dated 12-6-78 addressed to the District Manager, F.C.I. Moradabad for appointment on the post of typist on daily wages. In her cross examination she has admitted that she had moved such an application to the District Manager for appointment as a

typist on daily wages. She has admitted in her cross-examination that no post of typist had fallen vacant due to retirement or transfer.

7. Thus it stands proved that she was a daily wager and that she was not appointed against any clear vacancy on permanent or regular basis.

8. In her cross examination, she has deposed that she joined as a typist on daily wages on 20-6-78 and worked as such for 125 days excluding Sundays and holidays. This fact that she had worked from 20-6-78 to 10-10-78 has been admitted by the management witness in his cross examination. But this part of the statement of the workman that she had worked for 125 days is wrong. From 20-6-78 to 10-10-78 the number of days including Sundays and Holidays comes to 113 only.

9. Having worked for 113 days she cannot claim the benefit of Sections 25-F, 25-G read with Rule 77 and Section 25-H read with Rule 78 of the I. D. Act and I. D. Central Rules, 1957. These provisions are only applicable in the case of a workman who had worked for not less than one year continuously within the meaning of section 25-B of the I. D. Act preceding the date of termination of his services.

10. She has named one Sri Bajpai as a man who was kept as a typist after her in para (1) of her rejoinder. This will not improve her case in the least because she has also stated that the said Sri Bajpai was absorbed as a class IV employee in the department.

11. In para (5) and (6) of her affidavit she has referred to the test held for recruitment of typists in November, 1983, and appointments of persons named by her in different regions of Food Corporation of India. No where it has been stated by her that any typist was appointed in Moradabad. It was a test for regular recruitment and if those who were successful in the said test were appointed, the management committed no wrong or illegality. Although she has said that she also passed the test but this fact is denied by the management. There is no evidence that she had actually passed the test. So she cannot claim any benefit of the fact that whereas others were appointed on the basis of test held she was not so appointed.

12. As said in the beginning she was appointed on daily wages by the District Manager, Food Corporation of India, Moradabad. The management have come out with the plea that the District Manager Moradabad was not competent to recruit regular typist which is a class III Post. This fact that it is a class III post has been admitted by the workman herself. This also finds corroboration from Ext. W-10 which is the copy of letter dated 20-9-83 from the District Manager to the Senior Regional Manager, F.C.I. Lucknow, in which he recommended the case of the workman for appointment as a typist.

13. The fact that there was a claim ban on recruitment of English Typist in U.P. stands proved from Ext. W-6 which is the copy of letter dated 3-2-83 from the workman to the Senior Regional Manager, Lucknow. In it she has made reference of letter dated 2-1-80 addressed to Senior Manager by means of which she was informed that there was complete ban on recruitment of all entry levels post. Although the copy of letter dated 2-1-80 has been filed by the management, the same has not been admitted by the auth. representative for the workman. Thus she has no case at all. Even from her evidence (statement in cross examination) it appears that whereas she was getting a daily wage of Rs. 8 while working as a typist in FCI Moradabad she was making Rs. 800 per month while doing private typing work after her exit from F.C.I. till 1990. She has admitted that she raised industrial dispute for the first time before Assistant Labour Commissioner (Central) Dehradun in 1988.

14. Held, therefore, that the action of the management of Food Corporation of India in terminating the services of Smt. Renu Bhardwaj w.e.f. 11-10-78 is neither illegal nor unjustified. Consequently, she is entitled to no relief.

15. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 24 दिसम्बर 1992

का.प्र. 147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एयर इंडिया, प्राई. जी. प्राई. एयर पोर्ट, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[संख्या एन-11012/21/91-आईआर (विधि)
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 24th December, 1992

S.O. 147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Air India Airport, New Delhi and their workmen, which was received by the Central Government on 24-12-1992.

[No. L-11012/21/91-IR (Misc.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 50/92

In the matter of dispute :

BETWEEN

Shri Fateh Singh, C/o General Mazdoor Lal Shanda Union, M-714-14, Mangolpuri, Delhi-83.

Versus

The Regional Manager, Air India, Ground Service Department, I.G.I. Airport, New Delhi.

APPEARANCES :

None—for the workman.

Shri D. S. Kohli—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/21/91-IR (Misc.) dated 26-5-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Air India, New Delhi in removing Shri Fateh Singh from service vide Order No. GS/06/OIB/2024 dated 13-10-88 is justified ? If not to what relief the workman is entitled to ?"

2. The workman was summoned through registered notice many times and a duly served A.D. has been received but the workman has not appeared to file any statement of claim. It appears that the workman is not interested in pursuing his dispute and a No Dispute award is, therefore, passed in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 28 दिसम्बर, 1992

का.प्र. 148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट, मद्रास-2 के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास-104 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं.एन-33012/1/83-जी. IV (ए)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th December, 1992

S.O. 148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras-104 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Madras Port Trust, Madras-1 and their workmen, which was received by the Central Government on 24-12-1992.

[No. L-33012/1/83-D.IV (A)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMILNADU MADRAS

Wednesday, the 25th day of November, 1992

PRESENT :

Thiru M. Gopalaswamy, B.Sc., B.L., Industrial Tribunal.
Industrial Dispute No. 75 of 1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Madras Port Trust, Madras-1.)

BETWEEN

Thiru S. Mani, No. 9, East Mada Church Street, Royapuram, Madras-600013.

AND

The Chairman, Madras Port Trust, Madras-600001.

REFERENCE :

Order No. L-33012/1/83-D.IV (A)/IR (Misc.) dated 18-9-90 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday the 8th day of September, 1992 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru K. Venkatakrishnan, Advocate appearing for the workman and of Thiruvallargal A.L. Samayaji and R. Arumugam, Advocates appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between the petitioner/workman and the Respondent of Madras Port Trust arises out of the reference U/s. 10(1)(d) of Industrial Dispute Act made by the Central Government (Ministry of Labour) in its order dated 18-9-90 for adjudication of the following question.

“Whether the action of the management of Madras Port Trust, Madras in dismissing Shri S. Mani, Lascar Gr. II from service w.e.f. 15-6-78 is justified? If not, to what relief is the workman concerned entitled?”

(2) The Petitioner-Workman states in his claim petition as follows :—

Petitioner-Workman was employed by the Respondent as Lascar Grade-II from 1969. He drew a monthly salary of Rs. 300 on the date of termination of his service. He was given a charge memo for alleged acts of misconduct namely that he was involved in smuggling foreign liquor bottles in and through the Port Trust Premises on 2-8-77 when he was actually on weekly off. This was when the State of Tamilnadu was put in a state of emergency, coupled with total prohibition being strictly enforced. In that atmosphere, the Tamilnadu Police was frequently implicating persons in false prohibition cases when the Petitioner was in the Port Trust area on 2-8-77 expecting to receive his salary, the Police caught and forced him to plead guilty of a false charge

under prohibition Act. In another Prohibition case already pending in a City Magistrate Court, the Petitioner had refused to admit the offence. Hence the Police took away the photo pass from the Petitioner and also concocted another false prohibition case against him on 2-8-77, in whose connection, the petitioner was taken into custody and remanded to prison. He was again arrested on 6-8-77 in yet another false case. Subsequently the Petitioner met his Superior Officer and narrated about the wrong arrest and involvement in imaginary prohibition cases. But his version was not believed. The Respondent was immediately given a charge memo stating that he was guilty of transportation of 3 bottles of Foreign Liquor within the Harbour premises on 2-8-77 on obtaining those bottles from S. S. Jalajothi Ship and thereby violated Rule 42-C (IV) of the standing orders of the Respondent. The charge memo also mentioned about the 2 earlier prohibition cases pending against the Petitioner besides another case where he was already convicted subject to appeal. The rule 42-C (IV) will not be attracted by the act of possession of Foreign liquor. This charge memo has been issued only under pressure brought upon by the Police Department, through its report dated 10-9-77. Hence the charge is apparently foisted and untrue. The respondent has acted irregularly in not calling for explanation against the allegation even before framing the charge memo. The Respondent has pre-conceived and prejudged the matter in that it has named the domestic enquiry officer and also fixed the time and venue of the enquiry in the charge memo itself. The domestic enquiry officer straight away examined and cross-examined the Petitioner, in violation of settled legal principles. No Management witness was produced or examined. The enquiry officer gave his findings on 8-9-77, holding that the charge has been proved. This sort of conclusion is result of pressure given to the Respondent by the Police. Hence the Enquiry Officer's findings are invalid and improper, besides being perverse. No punishment can be awarded on such illegal findings. Further more the dismissal order taking effect from 15-6-78 has been passed even during the pendency of criminal Revision Case No. 880/78 on the file of the High Court. The petitioner was ultimately, discharged on 14-4-80 at the end of C.R.C., as a result of withdrawal of all prohibition cases by the Tamilnadu Government. The alleged smuggling of foreign liquor bottles does not involve moral turpitude and it has nothing to do with petitioner's discharge of his official duties.

(3) The Respondent while passing the order of dismissal dated 15-6-78 did not consider the past good record of service of the petitioner and the nature of the misconduct. The petitioner made an appeal to the chairman of the Respondent and then another appeal to the Central Government. The Respondent/Chairman is empowered to reinstate a workman who has suffered conviction and sentence of not more than 6 months imprisonment. Hence the authorities have acted illegally in rejecting the appeals without considering the order of the High Court. The alleged second show cause notice issued to the Petitioner speaks of 2 charge memos, one dated 24-2-77 and the order dated 18-8-77. In the said 2nd notice revealing the proposed punishment of dismissal the respondent refers to just one misconduct, namely petitioner's possession of foreign umbrella on 7-2-77 for which he was imposed a fine of Rs. 75 by the Customs. Thus once having been fined under the rule 42-A of the standing orders. The petitioner cannot again be visited with the punishment of dismissal. It is thus made clear that the Respondent had acted with prejudice and bias as a result of external pressure. The dismissal order as is also illegal in other respects and also on account of violation of principles of natural justice (reference dated 18-9-90). Hence the order of dismissal dated 15-6-78 is bad in law and on facts and is liable to be set aside. An award may be passed directing the reinstatement of the petitioner-workman, with back wages, continuation of service and other consequential benefits.

4. The Respondent in its counter states as follows :—

Even before 2-8-77 incident the petitioner was proceeded against by the Police for smuggling 2 bottles of

foreign liquor on 11-11-76 and against he was caught by the police on 9-12-76 for a similar offence. In the another instance on 7-2-77 CJSF Officials, caught the petitioner for possessing foreign umbrellas in respect of which the petitioner made admission before authorities, who levied a fine of Rs. 75 on 8-2-77.

5. For the prohibition offence committed on 11-11-76 the petitioner was tried and awarded punishment of 6 months imprisonment plus Rs. 100 fine by VIII Metropolitan Magistrate Court. Petitioner was later arrested by the Police for transportation and possessing of 3 bottles of foreign brandy on 2-8-77 from S. S. Jalajothi Ship. For this prohibition offence the VII Metropolitan Magistrate Court punished the petitioner on 7-1-78 with 4 months imprisonment. Taking all these facts together, the petitioner was served with charge sheet on 24-2-77. Then domestic enquiry was held giving full opportunities to the petitioner. The enquiry officer found on valid ground that the charges were proved. Later a 2nd charge memo dated 18-8-77 was issued to the petitioner on the basis of possession of foreign liquor bottles transported on 2-8-77. The 2 instances of transporting foreign liquor and one instance of possession of foreign umbrella proved against the petitioner amount to acts of indiscipline committed by the petitioner. There is no irregularity in the domestic enquiry. These acts of misconduct are serious and grave. The punishment of dismissal from service was imposed on the petitioner only after considering the gravity of the offences (acts of indiscipline) and the past record of the petitioner and after giving a personal hearing also. The petitioner's averments are all false, and the past record of the petitioner is not at all good. The respondent has not acted without bonafides and proper reasons in dealing with the petitioner. The proceedings and the punishment were not influenced by the Police officials. The Respondent's act of suspending the petitioner on the strength of information given by the Police is perfectly lawful. There was no need to call for an explanation when the arrest by the Police indicated a prima facie case. Apart from the facts furnished by the police officials, the domestic enquiry officer did not require any other evidence to come to his findings. The petitioner did not choose to put up any defence witness. The petitioner's allegations are wild and baseless. The disposal of the CRC case by the High Court based on the T.N. Government's police is not relevant. The acts of misconduct which definitely involve moral turpitudes amount to indiscipline even though do not fall within the scope of employment and because they have been committed within the place of employment. The entire past record of the petitioner was considered before awarding punishment. The Respondent has every discretion, in enforcing clause 17 of standing orders by examining the length of the term of imprisonment, in the context of the individual case. The dismissal cannot be clubbed with and considered along side of the penalty of 75 rupees paid of the customs in a distinct legal proceeding of the customs Department. The two convictions recorded by the Magistrate Courts in 2 separate cases of possession of foreign liquor are sufficient to warrant the punishment in the form of dismissal from the service. The standing orders have been properly applied and the domestic enquiry has been fairly held. The authorities have applied their minds by displaying bona fides and without any bad motive at various stages. No principle of natural justice is violated. Punishment is not liable to be set aside or modified u/s. 11-A of the Industrial Disputes Act. The Respondent may be given an opportunity to prove the charges in this Tribunal if it were to hold that the findings are perverse and that the domestic enquiry was held unfairly. I, D is liable to be dismissed.

(C) The points for determination are as follows :-

Whether the charge falling under Rule 42(C) (iv) of the Standing Orders and arising out of the petitioner's alleged possession of foreign made umbrella on 7-2-77 within the premises of Madras Port Trust is proved?

2 Whether the punishment of dismissal from service for the above said misconduct, if proved is liable to be modified or set aside under section 11 A of the Industrial Disputes Act?

3. To what relief?

Exs. W-1 to W-7 and M-1 to M-30 were marked. On behalf of the management Thiru J. Gnanamuthu was examined as MW-1. No oral evidence was adduced on behalf of workman.

8. Points 1 and 2—The domestic enquiry held against the Petitioner-Lascar has been found to be unfair by this Tribunal on the preliminary point. Hence MW-1 Thiru Gnanamuthu who is Administrative Officer under the Respondent gave evidence relating to the charge regarding possession of foreign umbrellas besides three prohibition cases in which the petitioner as an offender was tried by Criminal Courts. In one such criminal case relating to a charge that the petitioner Thiru Mani had smuggled two bottles of foreign liquor through the Port premises on 11-11-76, the petitioner has been sentenced with fine, on a criminal appeal, under Ex. W-6 judgement dated 10-8-78. In another trial of a prohibition case against the petitioner, on a charge of smuggling of foreign liquor on 9-12-76, he has been acquitted by the Magistrate under Ex. W-5 judgement dated 16-2-78. The third prohibition offence for which the petitioner was tried was allegedly committed by him on 2-8-77. In this third trial, the Petitioner was convicted, but finally in terms of Tamilnadu G.O. Misc. No. 192, Home Department, dated 24-1-80, the Madras High Court has remitted and reduced the sentence to a period of six days of imprisonment which was already undergone, the conviction having been confirmed under the judgement Ex. W-7 dated 14-4-80.

(9) We have to confine ourselves to the charge of possession of foreign umbrellas alone as punishment of dismissal from service has been awarded on that ground only. The charge memo for his misconduct is Ex. M-5 dated 18-2-77. Copy of domestic enquiry proceedings on this charge is Ex. M-11. The enquiry officer's finding is Ex. M-12. The question is whether the evidence of MW-1 Thiru Gnanamuthu and the documentary evidence given before us prove the charge of possession of foreign umbrellas. The petition Thiru Mani has himself admitted in his explanation Ex. M-7 his having possessed seven foreign parcels of umbrellas and that he was caught by the Port Security guards and that he has paid a fine of Rs. 75 imposed by the customs Officer. The special report sent by the Assistant commandant of the Customs department under Ex. M-4 and the report sent by the Assistant Collector of Customs, Madras-1 under Ex. M-5 prove that the petitioner has paid a fine in a departmental adjudication made by the customs officer for the offence relating to foreign umbrellas. I therefore hold that the charge of possession of foreign umbrellas has been amply proved by the evidence produced before this Tribunal and also the admission made by the petitioner before the customs official.

(10) The next question is in respect of the quantum of punishment. The petitioner's learned counsel has pleaded for a lesser penalty by showing mercy. The petitioner is found to have been punished for two prohibition offences as noted above—vide Exs. W-6 and W-7. Smuggling of foreign goods should necessarily be taken as act subversive of discipline as contemplated in Rule 42(C) (iv) of the Port Trust Standing Orders. Rule 42 does not provide a minor or lesser punishment other than suspension or dismissal for such a misconduct. The second show cause notice regarding punishment issued on 26-5-78 and other records reveal that the petitioner has been placed under suspension for the purpose of the enquiry with effect from 11-8-77. He has been dismissed from service with effect from 15-6-78 forenoon. Considering the facts and circumstances of the case, I am of the view that the Petitioner can be inflicted with suspension, as punishment for the period from 11-8-77 to 30-6-78 by setting aside the extreme and harsh punishment of dismissal under section 11-A of the Industrial Disputes Act. I also consider as fit and proper that full back wages need not be paid for the whole period till date of his reinstatement. In the interest of justice, the petitioner must be deprived of half of the back wages from 1-7-78 to 30-6-85. It should also be made clear that the Petitioner will not be entitled to any wages for the punitive suspension period between 11-8-77 and 30-6-78. These points are answered accordingly.

(11) In the result, an award is passed as follows :

(1) The Petitioner-workman Thiru S. Mani is inflicted with suspension as punishment for the period from 11-8-77 to 30-6-78 by setting aside the dismissal order.

- (2) He will not be entitled to any wages for the suspension period from 11-8-77 to 30-6-78.
- (3) The Management is directed to reinstate the Petitioner with continuity of service and other attendant benefits and pay him only half back wages from 1-7-1978 onwards till 30-6-1985 and full back wages thereafter.

Dated, this 25th day of November, 1992.

THIRU M. GOPALASWAMY, Industrial Tribunal
WITNESS EXAMINED

For workman :

None.

For Management :

MW-1—Thiru J. Gnanamuthu.

DOCUMENTS MARKED

For Workman :

- Ex. W-1/15-6-78—Dismissal order issued to Thiru S. Mani (Petitioner-workman (xerox copy).
- Ex. W-2/4-3-78—Letter from Petitioner-workman to the Management.
- Ex. W-3/27-5-77—Letter from Management to the Petitioner-workman.
- Ex. W-4/27-9-77—Letter from Management to the Petitioner-workman.
- Ex. W-5/16-2-78—Judgement of VIII metropolitan Magistrate, G.T. Madras-1 in C.C. No. 25422/76 (Certified copy)
- Ex. W-6/10-8-78—Judgement of I. Addl. Sessions Judge, Madras in C.A. No. 56/78 (Certified copy)
- Ex. W-7/14-4-80—Order of Madras High Court in Criminal Revision Case No. 880/78 (Certified copy)

For Management :

- Ex. M-1/8-2-77—Letter from the Inspector of Police M. Division Harbour, Madras-1 to the Management-xerox copy
- Ex. M-2/9-2-77—Report of Thiru K. Rajan against the Petr. workman to the Management-xerox copy.
- Ex. M-3/8-2-77—Bill for Miscellaneous charges xerox copy.
- Ex. M-4/8-2-77—Special report against the Petr. workman-xerox
- Ex. M-5/18-2-77—Letter from Asst. Collector of Customs Madras to the Management-xerox copy.
- Ex. M-6/24-2-77—Charge memo issued to the Petitioner-workman-xerox.
- Ex. M-7/7-3-77—Explanation by the Petr. workman to the Management-xerox.
- Ex. M-8/26-3-77—Letter from the Management to the Petr. workman xerox.
- Ex. M-9/4-4-77—Reply by the Petitioner-workman to Ex. M-18 xerox.
- Ex. M-10/27-4-77—Enquiry notice-xerox copy.
- Ex. M-11/6-5-77—Proceedings of the Enquiry Officer xerox copy.
- Ex. M-12/21-5-77—Findings of the Enquiry Officer xerox
- Ex. M-13/17-6-77—Explanation by the Petr. workman xerox.
- Ex. M-14/10-8-77—Letter from the Management to the Inspector of Police Madras Harbour xerox copy.
- Ex. M-15/10-77—Reply by the Inspector of Police M. Division Harbour Madras to Ex. M-14 xerox copy.
- Ex. M-16/11-8-77—Suspension order issued to the Petr. workman xerox copy.
- Ex. M-17/18-8-77—Charge memo issued to the Petr. workman xerox copy.

Ex. M-18/31-8-77—Proceedings of the Enquiry Officer xerox copy.

Ex. M-19/6-9-77—Proceedings of the Enquiry Officer xerox copy.

Ex. M-20/8-9-77—Findings of the Enquiry Officer xerox copy.

Ex. M-21/27-9-77—Show cause notice issued to the Petr. workman xerox copy.

Ex. M-22/1-10-77—Reply by the Petitioner-workman to Ex. M-21 xerox copy.

Ex. M-23/15-11-77—Letter from Inspector of Police M-1 Harbour Police station to the Management xerox copy.

Ex. M-24/3-2-78—Letter from Inspector of Police M-1 Harbour police station to the Management xerox copy.

Ex. M-25/14-2-78—Reply by the Management to Ex. M-24 xerox copy.

Ex. M-26/21-2-78—Reply by the Inspector of Police, M-1 Harbour Police Station to Ex. M-24 xerox copy.

Ex. M-27/21-2-78—Memo issued by the Management to the Petitioner-workman requiring to submit a copy of the Judgement of VIII Metropolitan Magistrate GT Madras-xerox copy.

Ex. M-28/1-3-78—Show cause notice issued to the Petitioner-workman xerox copy.

Ex. M-29/26-5-78—Second show cause notice issued to the Petitioner-workman xerox copy.

Ex. M-30/6-6-78—Explanation by the Petitioner-workman xerox copy.

नई दिल्ली, 28 दिसम्बर, 1992

का.प्र. 149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेखे इलाहाबाद के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं. एन-41012/73/86-डी-2(बी) (Pt.)

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th December, 1992

S.O. 149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Allahabad and their workmen, which was received by the Central Government on 24-12-1992.

[No. L-41012/73/86-D.II(B)(Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 127 of 1987

In the matter of dispute between :

Sri D. N. Tewari,
Divisional Secretary,
Uttar Railway Karamchari Union,
2, Navin Market,
Kanpur.

AND

The Divisional Rly. Manager,
Northern Railway,
Allahabad.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41012/73/86-D.II(B), dated 2-9-87, has referred the following dispute for adjudication to this Tribunal:—

Whether the termination of Sri Mahendra Kumar Verma w.e.f. 3-8-75 by the management of Northern Rly., Allahabad is legally in order and justified? If not, to what relief and from what date, the workman is entitled to?

2. The case of the Union in brief is that the workman who had been working as a clerk in the office of Assistant Engineer-I, Northern Rly., Kanpur, was convicted under section 307 I.P.C. and section 25 Arms Act, and sentenced to R.I. for 7 years and a fine of Rs. 500 on 19-12-75 in a criminal case. In pursuance of workman's said conviction and sentenced passed on him, the Divisional Engineer-II, Northern Rly., under Rule 14(i) of the Rly. Servants (Discipline and Appeals) Rules, 1968, passed an order dismissing him from service and the said order was served on him in Jodhpur Jail vide order dated 3-8-76. Against the said order of dismissal from service, the workman submitted an appeal on 10-9-76 to the Divisional Superintending Engineer Northern Rly., Allahabad, from jail and the same was dismissed by the appellate authority and information in this regard was sent to him vide letter dated 26-10-76. On 25-5-79, after his release from jail, the workman submitted an application to the D.N.M. Northern Rly., Allahabad requesting him to give him re-employment. However, he was informed by the D.P.O., N. Rly., Allahabad vide his letter dated 23-2-82, that his said request has not been acceded to by the Divisional Railway Manager. Even certificates of good conduct given to him by the Jail Superintendent of Ajmer and Jodhpur Jail and the certificate of good conduct given to him by the Gram Pradhan submitted by him found no favour with the management.

3. The Union has challenged the order of dismissal from service and the order passed in appeal by the appellate authority on a number of grounds. According to the Union the order passed by the Disciplinary Authority suffers from non compliance of the provisions of rule 14(i) of the Railway Servants (Discipline and Appeal) Rules, 1968. The workman was not given an opportunity of hearing and giving his explanation before the passing of the order. Further the order was passed in violation of the provisions of Articles 14 and 16 and section 25F and 25G of the I.D. Act. Further both the orders are not speaking orders and as such they are void.

4. The Union has in the alternative alleged that the punishment awarded to the workman is highly excessive the work and conduct of the workman had been satisfactory during the tenure of his service. He was never punished for any misconduct in connection with his duties. Moreover, notification dated 11-11-65 of the Ministry of Home Affairs provide for rehabilitation of ex-convicts under certain circumstances.

5. The Union has, therefore, prayed that the impugned orders be declared as void and unjustified. It has further prayed that the workman be reinstated in service w.e.f. 3-8-76 with full back wages.

6. The management plead that after his arrest in the criminal case, the management had right to suspend the workman. Because of his conviction and sentence in the criminal case, on 19-12-75, no option except to dismiss the workman from service was left with the management. As he was convicted for a serious offence, the management did not think it proper to re-employ him. In fact no employer would like to meet such a request for re-employment from a workman who had been convicted of a serious offence. Hence the Union/workman is entitled to no relief.

7. In support of its case, the Union has led both oral and documentary evidence. The oral evidence of the Union consists of the testimony of the workman. No evidence oral or documentary has been adduced in this case by the management.

8. The Union has come out with the case that the workman was convicted under section 307 I.P.C. and section 25 Arms Act and sentenced to R.I. for 7 years and a fine of Rs. 500 on 19-12-75 in a criminal case.

9. Ext. W.1 is the copy of order dated 3-8-76 of the Divisional Engineer II, Northern Rly., Allahabad, dismissing the workman from service on the basis of aforesaid conviction and sentence in the criminal case. From para (I) it appears that in the criminal case he was convicted by Additional Sessions Judge, Jodhpur. In this case, the copy of the order dated 19-12-75 has not been filed by either side. However, on the date of arguments an unattested copy of the judgment in sessions case no. 14 of 1975 State of Rajasthan versus Mahendra Kumar was produced by the authorised representative for the Union, Sri B. N. Bhattacharya the auth. representative for the management has not disputed the operative portion of the judgment. He has however not admitted the rest of it as it being not the certified copy. From the operative portion of the order it appears that the workman was convicted under section 307 I.P.C. and section 25(a) Arms Act and sentenced to RI for 7 years and a fine of Rs. 500 and in case of default in payment of fine a further R.I. for six months on the first count and to R.I. for one year or the second count that the two sentences to run concurrently.

10. Thus it comes out that the workman was convicted and sentenced in the manner stated above by the Additional Sessions Judge No. 2, Jodhpur. In his cross-examination the workman has admitted that against the order of his conviction and sentence he sent an appeal from jail to the Hon'ble High Court but the same was dismissed, meaning thereby that the order of conviction and sentence passed by Additional Sessions Judge, Jodhpur, became final.

11. Ext. W.1 which the copy of the order of dismissal from service of the workman has been referred to by me above. It appears from the order that the aforesaid punishment was awarded by Disciplinary Authority to the workman in exercise of powers conferred by rule 10(i) of the Railway Servants (Disciplinary and Appeal) Rules, 1968. By this order the workman was also informed that if he want he can file an appeal against the said order through proper channel.

12. Ext. W-2 is the copy of letter dated 26-10-76 from the D.P.O., Northern Rly., Allahabad, the workman informing him that his appeal dated 11-9-76 had been dismissed. The order of the disciplinary authority has been challenged from the side of the Union on the ground that there had been no compliance of the aforesaid Rule 14 by the Disciplinary Authority inasmuch as the workman was not heard on the quantum of punishment. In this connection reliance has been placed mainly on the ruling of the Hon'ble Supreme Court in the case of Disvisional Personnel Officer, Southern Rly. and others versus T. R. Challaanan, 1975 Lab. IC 1598 = AIR 1975 SC 2216. For the purposes of appreciating the ruling it will be proper to refer to Rule 14 which reads as under:—

"14. Special procedure in certain cases notwithstanding anything contained in Rules 9 to 13 :

- (i) Where any penalty is imposed on a railway servant on the ground of conduct which has led to his conviction on a criminal charge : or
- (ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules : or
- (iii) Where the president is satisfied that in the interest of the security of the State it is not be expedient to hold an inquiry in the manner provided in these rules :

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit provided that the Commission shall be consulted where such consultation is necessary before any orders are made in any case under this rule."

While considering the word 'Consider' underlined above

their Lordships of the Hon'ble Supreme Court in part 21 of the judgment observed as follows:—

The rule making authority deliberately used the word 'consider' and not determine because the word determine has a much wider scope. The word 'consider' merely connotes that there should be active application of the mind by the disciplinary authority after considering the entire circumstances of the case in order to decide the nature and extent of the penalty to be imposed on the delinquent employee on his conviction on a criminal charge. This matter can be objectively determined only if the delinquent employee is heard and is given a chance to satisfy the authority regarding the final orders that may be passed by the said authority. In other words, the term 'consider' postulates consideration of all the aspects the pros and cons of the matter after hearing the aggrieved person. Such an inquiry would be a summary inquiry to be held by the disciplinary authority after hearing the delinquent employee. It is not at all necessary for the disciplinary authority to order a fresh departmental inquiry which is dispensed with under Rule 14 of the Rules, 1968 which incorporates the principle contained in Art. 311(2) proviso (a). This provision confers power on the disciplinary authority to decide whether in the facts and circumstances of a particular case what penalty, if at all, should be imposed on the delinquent employee. It is obvious that in considering this matter the disciplinary authority will have to take into account the conduct of the delinquent employee, the gravity of the misconduct committed by him, the impact which his misconduct likely to have on the administration and other extenuating circumstances or redeeming features if any present in the case and so forth. It may be that the conviction of an accused may be for a trivial offence as in the case of the respondent T. R. Challappan in Civil appeal No. 1664 of 1974 where a stern warning or a fine would have been sufficient to meet the exigencies of service. It is possible that the delinquent employee may be found guilty of some technical offence for instance, violation of the transport rules or the rules under the Motor Vehicles Act and so on, where no major penalty may be attracted. It is difficult to lay down hard and fast rules as to the factors which the disciplinary authority would have to consider, but I have mentioned some of these factors by way of instances which are merely illustrative and not exhaustive. In other words the position is that the conviction of the delinquent employee would be taken as sufficient proof of misconduct and then the authority will have to embark upon a summary inquiry as to the nature and extent of the penalty to be imposed on the delinquent employee and in the course of the inquiry if the authority is of the opinion that the offence is too trivial or of a technical nature it may refuse to impose any penalty in spite of the conviction. This is a very salutary provision which has been enshrined in these Rules and one of the purposes for conferring this power is that in cases where the disciplinary authority is satisfied that the delinquent employee is a youthful offender who is not convicted of any serious offence and shows repentant behaviour and remorse he may be dealt with as lightly as possible. This appears to be to the scope and ambit of this provision.

The above view was followed in a number of cases and some such cases are:—

1. *Jokhan Versus Union of India* 1982 Lab. IC 173 (A.I.).
2. *Dost Mohd. Versus Union of India* 1981, Lab. IC 1210 (Allahabad).

In the second case Rule 19(1) of the CCS(CCA) Rules 1965 which is exactly identical to rule 14 quoted above was the subject matter of consideration.

13. According to the rulings an order of dismissal from service passed by the disciplinary authority in relation to the workman cannot be upheld if the disciplinary authority has not given an opportunity of hearing to the workman or quantum of punishment to be awarded to him.

14. In Challappan's case the workmen were railway employees but after their conviction they were released on probation of good conduct. In the case of *Jokhan* (supra) the workman after his conviction was released on probation of good conduct. In the case of *Dost Mohd.* (supra) the workman was convicted for an offence under Sec. 323 I.P.C. and was sentenced to under one imprisonment for one month and a fine of Rs. 100.

15. The view taken in Challappan's case has been overruled by their Lordships of Hon'ble Supreme Court in *Union of India Versus Tulsi Ram Patel*, 1985 Lab. IC, 1393. The main observations made by the Hon'ble Judges of Supreme Court in paras 114 and 115 of the judgment are as under—

It is, however, not possible to agree with the approach adopted in Challappan's Case in considering Rule 14 of the Railway Servants Rules in isolation and apart from the second proviso to Article 311(2) nor with the interpretation placed by it upon the word "consider" in the last part of R. 14. Neither Rule 14 of the Railway Servants Rules nor a similar rule in other service rules can be looked at apart from the second proviso to Article 311(2). The only cases in which a government servant can be dismissed, removed or reduced in rank by way of punishment without holding an inquiry contemplated by clause (2) of Article 311 are the three cases mentioned in the second proviso to that clause. A rule which provides for any other case in which any of these three penalties can be imposed would be unconstitutional. Service rules may reproduce the provisions of the second proviso authorizing the disciplinary authority to dispense with the inquiry contemplated by clause (2) of Article 311 in the three cases mentioned in the second proviso to that clause or any one or more of them. Such a rule, however, cannot be valid and constitutional without reference to the second proviso to Article 311(2) and cannot be read apart from it. Thus while the source of authority of a particular officer to act as a disciplinary authority and to dispense with the inquiry is derived from the service rules, the source of his power to dispense with the inquiry is derived from the second proviso to Article 311(2) and not from any service rules. There is a well-established distinction between the source of authority to exercise a power and the source of such power. The Court in Challappan's Case was, therefore, in error in interpreting Rule 14 of the Railway Servants Rules by itself and not in conjunction with the second proviso (i.e. that time the only proviso) to Article 311(2). It appears that in Challappan's Case (AIR 1975 SC 2216) the Court felt that the addition of the words "the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit" warranted as interpretation of Rule 14 different from that to be placed upon the second proviso. This is also not correct.

It is also not possible to accept the interpretation placed upon the word "consider" in Challappan's Case. According to the view taken in that case, a consideration of the circumstances of the case cannot be unilateral but must be after hearing the delinquent government servant. If such were the correct meaning of the word "consider", it would render this part of Rule 14 unconstitutional as restricting the full discretionary operation of the second proviso. The word "consider", however, does not bear the meaning placed upon it in Challappan's Case. The word "consider" is used in Rule 14 as a transitive verb.

It is thus obvious that the word "consider" in its ordinary and natural sense is not capable of the meaning assigned to it in Challappan's case. The consideration under Rule 14 of what penalty should

be imposed upon delinquent railway servant must, therefore, be ex parte and where the disciplinary authority comes to the conclusion that the penalty which the facts and circumstances of the case warrant is either of dismissal or removal or reduction in rank, no opportunity of showing cause against such penalty proposed to be imposed upon him can be afforded to the delinquent government servant.....

The decision in Chellappan's Case (AIR 1975 SC 2215) is, therefore, not correct with respect of the interpretation placed by it upon Rule 14 of the Railway Servants Rules and particularly upon the "consider" occurring in the last part of that rule and in interpreting Rule 14 by itself and not in conjunction with the second proviso to Art. 311.

16. Thus from the ruling in the case of Tulsi Ram Patel it becomes clear that it is not necessary to hear an employee whose case is covered by Rule 14 on the quantum of punishment. Hence, it cannot be held that the order dt. 3-8-75 and that passed by the Appellate Authority are illegal.

17. The workman has tried to seek the indulgence of the Tribunal in the matter of punishment u/s 11-K of the I.D. Act. Looking to the offences for which he was convicted and sentenced, I do not think it to be a proper case for taking any lenient view in the matter of punishment. The punishment cannot be said as excessive.

18. Held that the action of the management in dismissing the workman from service is legal and justified. The workman is entitled to no relief.

19. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 28 दिसम्बर, 1992

का.प्र. 150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस डी ओ टेल्मी-ग्राम्स एवं डिब्रीङ्गन इंजीनियर, टेल्मी-ग्राम, मिर्जापुर के प्रबंधन के साथ नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं. एन-40012/243/91-आईआर (डी.यू.) (पार्ट)]
के. वी. बी. बन्नी, डेस्क अधिकारी

New Delhi, the 28th December, 1992

S.O. 150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telegraphs & Divl. Engineer, Telecom., Mirzapur and their workmen which was received by the Central Government on 24-12-92.

[No. L-40012/243/91-IR(DU)(Pt.)]
K. V. BUNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 101/1992

In the matter of dispute between:

Shri Bisun S/o Sri Jokhan Ram,
R/o Through Sri Vishnu Dev Pandey,
140/132, Jansainganj,
Allahabad.

And

Sub-Divisional Officer,
Telegraph,
Mirzapur.

AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-40012/243/91. I.R. (DU) dt. 2-9-92, has referred the following dispute for its adjudication to this Tribunal:

"Whether the action of SDO, Telegraphs and Divisional Engineer, Telecom, Mirzapur in terminating the services of Shri Ram Bisun, S/o Shri Jokhan Ram w.e.f. 1-5-89 is justified? If not, to what relief he is entitled to?"

2. Today when the case was taken up Sri Indermani Dwivedi appeared for the management. None appeared for the workmen despite issue of notice. No claim statement filed on behalf of the workmen in the case.

3. It therefore appears that the workmen are not interested in pressing their case. Therefore a no claim award is given in the case against them.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 28-12-92

का.प्र. 151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केंद्र व वैनग ग्राम, सेंट्रल रेलवे, झांसी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं. एन-41012/111/89-डी (पी) (पार्ट)]
के. वी. बी. बन्नी, डेस्क अधिकारी

New Delhi, the 28th December, 1992

S.O. 151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Carriage & Wagon Shop, Central Rly. Jhansi and their workmen, which was received by the Central Government on 24-12-92.

[No. L-41012/111/89-DII(B)(Pt.)]
K. V. B. UNNAY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 187 of 1990

In the matter of dispute between:

President,

Rashtriya Chaturtha Shreni Rail Mazdoor Congress,
2/236 Namnair,
Agra.

And

The Divisional Mech. Engineer,
Carriage & Wagon Shop,
Central Railway,
Jhansi.

AWARD

1. The Central Government Ministry of Labour vide its notification no. L-41012/111/89-D.2(B) dt. 23-8-90 has referred the following dispute for adjudication to this Tribunal:—

Whether DME Carriage and Wagon Shop Jhansi is justified in reverting Sri Sles Charan Highly Skilled fitter to the post of Khalasi vide his order no. P/2066A/DAR dt. 20-4-85 is justified? If not what relief the workman concerned is entitled?

2. The instant case was fixed at Camp Delhi on 16-11-1992 for the cross examination of the workman. On 16-11-1992 neither the workman nor the representative of the Union which has espoused the present dispute was present.

3. It therefore, appears that neither the workman nor the Union is interested in presenting the case any more.

4. In view of the above facts and circumstances of the case, a no claim award is given against the union/workman.

5. Reference is answered accordingly.

ARIJAN DEV, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1992

का.प्र. 152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकाम के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं. एल-40011/8/86-डी. 2(बी) (पी. टी.)]

[एल-40012/80/88-डी. 2(बी) (पी. टी.)]

[एल-40012/82/90-आई. आर. (डी. यू.) (पी. टी.)]

[एल-40012/57/91-आई. आर. (डी. यू.) (पी. टी.)]

के. बी. बी. उण्णी, ईस्क अधिकारी

New Delhi, the 29th December, 1992

S.O. 152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers is relation to the management of D/o Telecom Kanpur and their workmen, which was received by the Central Government on 24-12-92.

[No. L-40011/8/86-D.II(B)(Pt.)]

[No. L-40012/80/88-D.II(B)(Pt.)]

[No. L-40012/62/90-IR(DU)(Pt.)]

[No. L-40012/57/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARIJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, PANDU
NAGAR, KANPUR

In the matter of dispute between :

1. Sri Bhola Nath Agrawal Secretary, All India
P&T Karamchhari Sangthan 252/16 Shastri
Nagar, Kanpur. (I.D. No. 88/88)

AND

General Manager Telephones Kanpur Telephones
Tax Building The Mall, Kanpur.

2. Bhartiya Dak Tar Karamchhari Sangthan
252/10 Shastri Nagar, Kanpur.

(I. D. No. 127/88 u/s 33-A I.D. Act.)

AND

General Manager, Kanpur Telephones Tax Build-
ing CTO Compound Mall Road, Kanpur.

3. Sri Babu Lal Sharma C/o Sri Bhola Nath
Agarwal 252/10 Shastri Nagar, Kanpur.
(I.D. No. 180/89)

AND

General Manager (Telephones) Tax Building CTO
Compound Mall, Kanpur

4. Sri Kesri Prasad Jaiswal S/o Sri Nand Lal
Jaiswal 19/185 Patkapur Kanpur.
(I. D. No. 10/91)

AND

General Manager Doorbhash Tax Building Mall
Road, Kanpur.

5. Sri R C Nigam State Secretary National Union
of Telephone Engineering 41/4 Shastri
Nagar, Kanpur

(I. D. No. 176/91)

AND

General Manager Door Saachar Telephone Bhawan
The Mall, Kanpur.

AWARD

1. These five cases have been consolidated by means of order dt 3-9-92, passed in I.D. No. 88 of 1988, for the limited purpose of deciding the following preliminary issue :—

“Whether Telecom-Department is an Industry”

2. The references made by the Ministry of Labour Government of India, New Delhi, in the above mentioned industrial disputes except I.D. No. 127/88 which has arisen out of an application under sec. 33-A of the Industrial Disputes Act, 1947, read as under :—

Vide Notification No. L-40011/8/86-D.II(B)
dated 25-3-88 in I.D. No. 88/1988 :—

Whether the action of the General Manager, Telephones Kanpur in not regularising the services of the following workmen from the dates their initial appointment, as shown below is justified? If not to what relief and from what date, these workmen are entitled?

1. Sri Mahtab Ahmad	15-4-91
2. Sri Dinesh Kumar Misra	6-9-81
3. Sri Pradip Kumar	8-7-81
4. Sri Ram Suresh	5-3-82

Vide Notification no. L-40012/80/88-D II B dt.
1-8-89 in I.D. No. 180 of 1989 :—

Whether the action of the management of Telephone Department in respect of Kanpur Division in terminating the services of Sri Baboolal Sharma Driver, w.e.f. 15-8-87 and not absorbing him in permanent service is justified? If not, to what relief the workman concerned is entitled?

Vide notification no. L-40012/62,90-IR(DU) dated 4-2-91 in I.D. No. 10/91:—

Whether the action of the management of General Manager Telephones Kanpur in terminating the services of Sri Kesari Prasad Jaiswal w.e.d. 4-12-86 is justified? If not, to what relief the concerned workman is entitled to?

Vide notification No. L-40012/57/91, I.R. (DU) dated 21-10-91 in In I.D. No. 176/91:—

Whether the management of telecommunication Kanpur District Telephone Bhawan is justified in not giving seniority to Sri D.S. Misra over S/Sri B. L. Kureel K. C. Shukla and S. C. Misra in the seniority list for Technical Observer? If not, to what relief he is entitled?

3. The above mentioned preliminary issue has been raised in these cases either on the application moved by the management or on the basis of the plea raised by the management in their written statements.

4. The management's plea is that Telecom Deptt. is not an Industry in view of the Judgment dt. September 11, 1990, of CAT, Allahabad, in T.A. No. 1239 of 1987 (Writ Petition No. 601 of 1983) Achhaiber Lal Versus Union of India and others. On the other hand, it has been contended by Sri S. N. Tewari, the auth. representative for the Union, that it is not an Industry in view of certain decisions of Hon'ble High Courts. Sri Tewari has, however, not referred to any specific decision of the Hon'ble High Court.

5. However, I have come across two rulings of the Hon'ble High Court of Kerala. These are—

1. Kunjan Bhaskaran Versus SDO Telephones and others 1983 Lab IC 135 (Kerala).
2. Director of Postal Services (South) Kerala Circle Trivendrum versus KRB Kaimal, 1984 Lab IC 628.

In both the cases, the Hon'ble Judges of the Kerala High Court have held that Postal and Telegraphs Department is an Industry. While holding it so, their Lordships discussed the various provisions of the I.D. Act, such as section 2(n), 2(j), 2(s), 22 etc., and various rulings including the ruling in the case of Bangalore Water Supply and Sewerage Board versus A. Rajjappa 1978 Lab IC (SC).

6. The management have on the other hand filed the copy of order dt. September 11, 1990 of Central Administrative Tribunal, Allahabad in Registration T.A. No. 1239 of 1987. The Hon'ble members of the Bench of Central Administrative Tribunal Allahabad while holding that the Telephone Department is not an industry within the meaning of section 2(j) of the Industrial Disputes Act, 1947, placed reliance on the ruling given by the Hon'ble Supreme Court in Bangalore Water Supply and Sewerage Board and also on the ruling given by a bench of CAT Allahabad in the case of Sakhety Lal versus Union of India and others O.A. No. 675 of 1987.

7. There is no dispute about the fact that there is no difference between telephone department and tele-

com department. In fact the two names are of one and same department.

8. The question before this Tribunal is whether it is bound by the Decision of the CAT, Allahabad that Telecom Department is not an Industry. For this purpose also it is not difficult to seek the answer. In O.A. No. 582 of 1989 Union of India and other versus Shyam Sunder Lal and others decided by a bench of Central Administrative Tribunal Allahabad on 26-2-91. The Hon'ble members observed as under:—

We may mention before we part that this court has jurisdiction to entertain the application under sec. 19 of the Administrative Tribunals Act, 1985, against an order passed by Industrial Tribunal Labour Court u/s. 33-C(2).

This O.S. had arisen out of order dt. 27-4-89, passed by this court in LCA No. 419 of 1987, Shri Shyam Sunder Lal Gupta versus General Manager, Northern Rly. Baroda House New Delhi, and others.

10. So in view of the clear observations of the Central Administrative Tribunal, Allahabad, that it exercises jurisdiction to entertain petitions against the orders passed by the Industrial Tribunal/Labour Court, this court cannot go against this observation.

11. It follows, therefore, that this Central Government Industrial Tribunal-cum Labour Court, is bound by the law laid down by the Central Administrative Tribunal Allahabad, unless it is found contrary to the law laid down by the Hon'ble Supreme Court.

12. Hence, in view of the decision given by bench of Central Administrative Tribunal in Registration T.A. No. 1239 of 1987 it is held that Telecom Department is not an Industry within the meaning of section 2(j) of the Industrial Disputes Act, 1947.

13. In view of the above findings this Central Government Industrial Tribunal cum Labour Court has no jurisdiction to decide the above references in the above cases. Hence, all the four industrial disputes are answered as above and the petition under sec. 33-A of the Industrial Disputes Act, 1947, is dismissed as not maintainable.

ARJAN DEV, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1992

का. प्र. 153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत जनरल मैनजर, कानपुर टेलेकोम्स, के प्रबंधन के विरुद्ध भारतीय डाक भार कर्मचारी संगठन द्वारा दायर एक प्रार्थना पत्र के संबंध में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ।

[संख्या सीए-13011/2/92-आई.आर. (बी.यू.)]

के. बी. बी. उष्णी, हेतुक अधिकारी

New Delhi, the 29th December, 1992

S.O. 153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur

in respect of a complaint u/s 33A of the said Act filed by Bhartiya Dak Tar Karamchari Sangthan against the management of G.M., Kanpur Telephones which was received by the Central Government on 24-12-92.

[No. Z-13011/2/92-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARIAN DEV PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

In the matter of dispute between :

1. Sri Bhola Nath Agrawal,

Secretary, All India P&T Karamchari
Sangthan 252/10 Shastri Nagar Kanpur.
(I.D. No. 88/88)

And

General Manager,
Telephones Kanpur Telephones
Tax Building,
The Mall, Kanpur.

2. Bhartiya Dak Tar Karamchari Sangthan
252/10, Shastri Nagar, Kanpur.
(I.D. No. 127/88 u/s
33-A I.D. Act.)

And

General Manager, Kanpur Telephones
Tax Building, CTO Compound
Mall Road, Kanpur.

3. Sri Babu Lal Sharma,
C/o Sri Bhola Nath Agrawal,
252/10 Shastri Nagar, Kanpur.
(I.D. No. 180/89)

And

General Manager (Telephones) Tax
Building, CTO Compound Mall,
Kanpur.

4. Sri Kesri Prasad Jaiswal,
S/o Sri Nand Lal Jaiswal,
19/185 Patkapur, Kanpur.
(I.D. No. 10/91)

And

General Manager,
Doorbhash Tax Building,
Mall Road, Kanpur.

5. Sri R. C. Nigam,
State Secretary,
National Union of Telephone
Engineering, 41/4 Shastri Nagar,
Kanpur.
(I.D. No. 176/91)

And

General Manager,
Door Sanchar Telephone Bhawan
The Mall, Kanpur.

AWARD

1. These five cases have been consolidated by means of order dt. 3-9-92, passed in I.D. No. 88 of 1988, for limited purpose of deciding the following preliminary issue :—

“Whether Telecom-Department is an Industry”

2. The references made by the Ministry of Labour Government of India, New Delhi, in the above mentioned industrial disputes except I.D. No. 127/88 which has arisen out of an application under sec. 33-A of the Industrial Disputes Act, 1947, read as under :—

Vide Notification No. L-40011/8/86-D.II(B)
dated 25-3-88 in I.D. No. 88/1988 :

Whether the action of the General Manager, Telephones Kanpur in not regularising the services of the following workmen from the dates their initial appointment, as shown below is justified ? If not to what relief and from what date, these workmen are entitled ?

- | | |
|---------------------------|---------|
| 1. Sri Mahtab Ahmad | 15-4-91 |
| 2. Sri Dinesh Kumar Misra | 6-9-81 |
| 3. Sri Pradip Kumar | 8-7-81 |
| 4. Sri Ram Suresh | 5-3-82 |

Vide Notification No. L-40012/80/88-D.II B dt.
1-8-89 in I.D. No. 180 of 1989 :

Whether the action of the management of Telephone Department in respect of Kanpur Division in terminating the services of Sri Bahoolal Sharma Driver, w.c.f. 15-8-87 and not absorbing him in permanent service is justified ? If not, to what relief the workman concerned is entitled ?

Vide Notification No. L-40012/62/90/IR(DU)
dated 4-2-91 in I.D. No. 10/90 :

Whether the action of the management of General Manager Telephones Kanpur in terminating the services of Sri Kesari Prasad Jaiswal w.c.f. 4-12-86 is justified ? If not, to what relief the concerned workman is entitled to ?

Vide Notification No. L-40012/57/91-I.R.(DU)
dated 21-10-91 in I.D. No. 176/91) :

Whether the management of telecommunication Kanpur District Telephone Bhawan is justified in not giving seniority to Sri D. S. Misra over S/Sri B. L. Kureel R. C. Shukla and S. C. Misra in the seniority list for Technical Observer ? If not, to what relief he is entitled ?

3. The above mentioned preliminary issue has been raised in these cases either on the application moved by the management or on the basis of the plea raised by the management in their written statements.

4. The management's plea is that Telecom Deptt. is not an Industry in view of the Judgement dt. September 11, 1990, of C.A.T. Allahabad, in T.A. No. 1239 of 1987 (Writ Petition No. 601 of 1983) Achhaiber Lal Versus Union of India &

others. On the other hand, it has been contended by Sri S. N. Tewari, the auth. representative for the Union, that it is not an Industry in view of certain decisions of Hon'ble High Courts. Sri Tewari has, however, not referred to any specific decision of the Hon'ble High Court.

5. However, I have come across two rulings of the Hon'ble High Court of Kerala. These are—

1. Kunjan Bhaskaran Versus S.D.O. Telephones & others 1983 Lab IC 135 (Kerala).
2. Director of Postal Services (South) Kerala Circle Trivendrum versus KRB Kaimal, 1984 Lab IC 628.

In both the cases, the Hon'ble Judges of the Kerala High Court have held that Postal & Telegraphs Department is an Industry. While holding it so, their Lordships discussed the various provisions of the I.D. Act, such as section 2(n), 2(i), 2(s), 22 etc., and various rulings including the ruling in the case of Bangalore Water Supply and Sewerage Board versus A. Rajappa 1978 Lab IC (SC).

6. The management have on the other hand filed the copy of order dt. September 11, 1990 of Central Administrative Tribunal, Allahabad in Registration T.A. No. 1239 of 1987. The Hon'ble members of the Bench of Central Administrative Tribunal Allahabad while holding that the Telephone Department is not an industry within the meaning of section 2(i) of the Industrial Disputes Act, 1947, placed reliance on the ruling given by the Hon'ble Supreme Court in Bangalore Water Supply and Sewerage Board and also on the ruling given by a bench of C.A.T. Allahabad in the case of Sakhet Lal versus Union of India and others O.A. No. 675 of 1987.

7. There is no dispute about the fact that there is no difference between telephone department and telecom department. In fact the two names are of one and same department.

8. The question before this Tribunal is whether it is bound by the Decision of the C.A.T., Allahabad that Telecom Department is not an Industry. For this purpose also it is not difficult to seek the answer. In O.A. No. 582 of 1989 Union of India & other versus Shyam Sunder Lal and others decided by a bench of Central Administrative Tribunal Allahabad on 26-2-91. The Hon'ble members observed as under :—

We may mention before we part that this court has jurisdiction to entertain the application under sec. 19 of the Administrative Tribunals Act, 1985, against an order passed by Industrial Tribunal/Labour Court in 33-C(2).

This O.A. had arisen out of order dt. 27-4-89, passed by this court in I.C.A. No 419 of 1987, Sri Shyam Sunder Lal Gupta versus General Manager, Northern Rly Baroda House New Delhi, and others.

10. So in view of the clear observations of the Central Administrative Tribunal, Allahabad, that it

exercises jurisdiction to entertain petitions against the orders passed by the Industrial Tribunal/Labour Court, this court cannot go against this observation.

11. It follows, therefore, that this Central Government Industrial Tribunal-cum-Labour Court is bound by the law laid down by the Central Administrative Tribunal Allahabad, unless it is found contrary to the law laid down by the Hon'ble Court.

12. Hence, in view of the decision given by bench of Central Administrative Tribunal in Registration T.A. No. 1239 of 1987 it is held that Telecom Department is not an industry within the meaning of section 2(i) of the Industrial Disputes Act, 1947.

13. In view of the above findings this Central Government Industrial Tribunal-cum-Labour Court has no jurisdiction to decide the above references in the above cases. Hence, all the four industrial disputes are answered as above and the petition under sec. 33-A of the Industrial Disputes Act, 1947, is dismissed as not maintainable.

ARJAN DEV, Presiding Officer

नई दिल्ली, 5 जनवरी, 1993

का.प्र. 154 — औद्योगिक विवाद श्रमनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार राज्य ईस्टन रेलवे के प्रबंधकों के संघर्ष निपटारे और उनके कर्मचारियों के बीच, धनुष में विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नं. 1 प्रदान के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-12-92 को प्राप्त हुआ था।

[सं. एन-41011/11/91-आई.आर. (पी.)]

के सी. बी. उणी, ईस्टन रेलवे

New Delhi, the 5th January, 1993

S.O. 154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. E. Railway Chakradharpur and their workmen, which was received by the Central Government on 29-12-1993.

[No. L-41011/11/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1)(j) of the Industrial Disputes Act, 1947.

Reference No. 87 of 1991.

PARTIES :

Employers in relation to the management of S. E. Railway, Chakradharpur

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. N. Dutta, Advocate.
For the Workmen : Shri D. Mukherjee, Advocate.

STATE : Bihar. Industry : Railway.

Dated, the 18th December, 1992

AWARD

By Order No. L-41011/1191-IPDU, dated, the 25th September, 1991, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of S. E. Railway, Chakradharpur in terminating the services of Sh. Jayadev Prasad Mandal and 15 other workmen as per Annexure on 23-7-90 on the basis of the vigilance report without departmental proceedings and without giving opportunity to the workmen concerned to defend themselves is justified? If not, to what relief the concerned workmen are entitled and since when?"

ANNEXURE—'A'.**Name of Workmen :**

1. Shri Bhubancewar Mahto, S/o Jhagru Mahto.
2. Sh. Indrajeet Mahto, S/o Sh. Kisto Mahto.
3. Sh. Jayram Karketta, S/o Sh. Mahali Karkatta.
4. Sh. Ghanashyam Hemrom, S/o Sh. Gora Hemrom.
5. Sh. Dubraj Nagaria, S/o Sh. Budhram.
6. Sh. Abinash Mahato, S/o Sh. Mathura Mahato.
7. Sh. Shashi Kr. Nag, S/o Lakhiram Nag.
8. Sh. Ashok Kr. Gope, S/o Sh. Madho Gope.
9. Sh. Jagdish Gope S/o Sh. Madho Gope.
10. Sh. Durgacharan Ecipai, S/o Sh. Ramrai.
11. Sh. Shyamlal Gope, S/o Sh. Ugrason Gope.
12. Sh. Dhananjay Mahato, S/o Kumbhakarn Mahato.
13. Sh. Prasanjeet Das, S/o M. K. Das.
14. Sh. Jaydev Prasad Mondal, S/o Sh. Umesh Chandra Mondal.
15. Sh. Shankar Karwa, S/o Sh. Sukdeb Karwa.
16. Sh. Ramesh Mahato, S/o Sh. Urdhab Mahato.

2. The case of the management of S.E. Railway, as disclosed in the written statement, details apart, is as follows :

The present dispute is not competent and maintainable. Altogether 16 persons including the workmen

shown in Annexure-A to the schedule of reference were engaged as daily rated casual labour in the unit of PWI-Manoharpur under AEN(I) Chakradharpur and on completion of 120 days continuous service by them they attained temporary status on different dates. They were engaged on the basis of certificate of being ex-casual workmen of the same Railway Division. The certificates produced by these workmen were all fake and accordingly they cannot acquire the status of temporary workmen. In the month of January, 1990 the Vigilance Department of S.E. Railway on a report from the local Member of Legislative Assembly made an investigation into the genuinity of casual labour certificates produced by these workmen and found that the certificates produced by these workmen were all fake and accordingly the Chief Vigilance Officer, S. E. Railway authorities advised to dispense with the services of these workmen. The casual labour certificates submitted by the workmen were said to have been issued by the unit of PWI (Construction) BNDM and on scrutiny the said unit made endorsement on 13-1-90 on the reverse of the certificates that no such person mentioned in the certificates worked in the unit since its opening. There was no doubt that the certificates produced by the workmen all forged and fake. The Deputy Chief Vigilance Officer by letter dated 10-4-90 forwarded the names of these 16 persons to the management. Upon consideration of the letter of the Vigilance Department and in view of the fact that the certificates produced by these workmen were all fake and forged and not genuine the appointing authority i.e. the Asstt. Engineer (I) Chakradharpur decided to terminate the services of these workmen and accordingly notice was issued to that effect on 21-7-90. The notice of termination was issued in terms of provisions of Rule 301 of Indian Railway Establishment Code Vol-I (5th Edition of 1985) which clearly lays down that a temporary railway servant is entitled to notice of 14 days if the workman has worked less than 3 years. These workmen were however offered to be paid 14 days' pay in lieu of notice. Apart from the above 14 days' pay in lieu of notice they were offered average pay for 15 days as retrenchment compensation under the provisions of Industrial Disputes Act. However, the payment was not accepted by these workmen and as a matter of fact they have refused to accept such payment which is lying unpaid with the management of S.E. Railway. It is not obligatory that before invoking action under Rule 301 of Indian Railway Establishment Code departmental proceeding is to be conducted and opportunity should be given to the workmen to defend themselves. The notice of termination was attempted to be served on 23-7-90 but they refused to accept notice of termination in presence of two witnesses. However, in view of non-acceptance of termination letter the management gave effect to such termination from 24-7-90. The workmen secured employment in the Railway Administration by practising fraud by producing fake and forged certificates and accordingly their termination from services is fully justified.

3. The case of the concerned workmen, as disclosed in the written statement, briefly stated, is that the concerned workmen were originally appointed against permanent vacancy on 27-2-89 and had

worked for 47 days continuously when the management stopped them from duty without assigning any reason. Appreciating the legal position, the management again reinstated them in service with effect from 25-5-89 against permanent vacancy in permanent nature of job. They had been working from 25-5-89 till 23-7-90 when they were stopped from duty illegally and arbitrarily without assigning any reason. They had put in 240 days attendance in the course of performance of their duty. The management stopped them from service without assigning any reason and without complying with the provisions of Sec. 25-F of the Industrial Disputes Act. The junior workmen who were similarly appointed alongwith them are still working. The management illegally and whimsically stopped them from service on the allegation of misconduct of allegedly producing fake certificate on the basis of alleged complaint of M.L.A. The management stopped them from service in violation of norms of natural justice and settled law of the land. They represented against the illegal and arbitrary termination of their service, but the management did not pay any heed to their request. Seeing no other alternative they raised the dispute under Sec. 2-A of the Industrial Disputes Act before the A.L.C.(C), Chaibasa, which ended in failure due to adamant attitude of the management. The appropriate Government has been pleased to refer the dispute for adjudication by this Tribunal. The action of the management of S.E. Railway, Chakradharpur in terminating their services with effect from 23-7-90 on the basis of alleged Vigilance report without conducting departmental proceeding and without giving them opportunity to defend themselves was illegal, arbitrary and unjustified. In the circumstances, the management be directed to reinstate them in service with full back wages.

4. In rejoinder to the written statement of the management, the concerned workmen have reiterated the facts as disclosed in the written statement and denied emphatically that the management offered them retrenchment compensation and that they refused to accept it. They also denied that the notice of termination was attempted to be served on them on 23-7-90 as alleged by the management. They have also denied that they refused to accept the termination letter and for that reason termination took effect from 24-7-90.

5. None of the parties arrayed has adduced any oral evidence. The management has laid some documentary evidence which have been marked Exts. M-1 to M-4.

6. Admittedly, the concerned workmen were appointed as casual workmen in the unit of PWI-Manoharpur, S. E. Railway. It appears that they were working as Gangmen in the unit of PWI-Manoharpur. The pleading of the management discloses that all but two of them were engaged on 27-2-89. Bhubaneswar Mahto and Shankar Karwa (Sl. Nos. 1 and 15 in the annexure to the schedule of reference) were engaged on 28-2-89 and 16-3-89 respectively. After completion of 120 days of continuous service they attained the temporary status on different dates as disclosed in the pleading of the management. There is no dispute that they had worked continuously from

the date of their engagement till 23-7-90 and on 24-7-90 their services were terminated.

7. It has been alleged by the management on the complaint of an M.L.A. the Vigilance Department of S.E. Railway made an investigation into the genuineness of casual labour certificate produced by these workmen and that it was found that all these certificates were fake and forged. The Dy. Chief Vigilance Officer by letter dated 10-4-90 requested the S. D.E.N. (Co-ordination) for dispensing with the services of the 26 persons including the concerned workmen as they were recruited on the basis of fake and forged certificates (Ext. M-1). The list annexed with the letter discloses the names of all the concerned workmen except Shankar Karwa (Sl. No. 15 in the annexure to the schedule of reference). Thereafter in pursuance of Rule 49 R-I which corresponds to 301 of the Indian Railway Establishment Code—Vol-I, 5th Edition, 1985, the services of the concerned workmen were dispensed with and in lieu of notice for 14 days, they were to be paid pay and allowance for 14 days (Ex M-3 series). The notice of termination does not disclose any ground for dispensing with the service of the concerned wording. But the pleading of the management discloses that the services of the concerned workmen were dispensed with as they produced fake casual labour certificates at the time of their engagement. The notice of termination indicates that termination of service of the concerned workmen was termination simpliciter. But in the written statement the management has fished out a ground for termination of services of the concerned workmen. This is highly irregular and unfair and in my view, the management should not be allowed to take this stance before this Tribunal in justification of termination of the services of the concerned workmen.

Then again, the services of the concerned workmen were dispensed with a stigma on their character. In such circumstances, the management cannot be allowed to get away with its action without holding proper departmental enquiry.

8. The termination of services of the concerned workmen is retrenchment within the meaning of Sec-2(oo) of the Industrial Disputes Act. But the management has not followed the condition precedent to retrenchment of the workmen as provided in Sec. 25-F of the Industrial Disputes Act by offering and paying them retrenchment compensation. The provision of Industrial Disputes Act has an over-riding effect on the corresponding provision of the Indian Railway Administrations Code. The management has stated that retrenchment compensation was offered but the concerned workmen did not accept it. This statement of fact is merely an ipse dixit of the management because there is no evidence on this score on record. That being so, the termination of service of the concerned workmen without complying with the provision of Section 25-F of the Industrial Disputes Act is considered to be illegal. In this connection the decision reported in 1978 Lab. I.C. 1267 (Allahabad High Court (Nandlall Vs. Union of India and others)) and 1978 Lab. I.C. 394 (Kerala High Court) (Asstt. Personnel Officer, S. Railway Vs. K.T. Anthony) may be cited in support of legal position as stated by me.

In conclusion I hold that the action of the management of S.E. Railway, Chakradharpur in terminating the services of the concerned workmen with effect from 23-7-90 is not justified and the concerned workmen are entitled to be reinstated in service with full back wages.

9. Accordingly, the following award is rendered—the action of the management of S.E. Railway, Chakradharpur in terminating the services of the concerned workmen on 23-7-90 on the basis of the Vigilance report without departmental proceeding and without giving opportunity to the concerned workmen to defend themselves is not justified. The management is directed to reinstate the concerned workmen in service with effect from the date of their termination of service and to pay them full back wages with effect from that date within one month from the date of publication of the award. The concerned workmen are directed to report for duty within the time stipulated.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

नई दिल्ली, 1 जनवरी, 1993

का.प्र. 155.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-2-93 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध के तहत राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला त्रिचूर के कुकुन्दपुरम में राजस्व ग्राम वादाकुम्भागम के अंतर्गत आने वाला क्षेत्र।”

[सं एम-38013/22/92-एम.एम. 1]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 1st January, 1993

S.O. 155.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st February, 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala namely :

“The areas within the revenue village of Vada-kumbhagam in Kukundapuram taluk of Thrissur District.”

[No. S-38013/22/92-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 1 जनवरी, 1993

का.प्र. 156.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-2-93 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5

और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला कम्मगजार के राजपालायम तालुक में राजस्व ग्राम वडाकु-वंगानलुर के अंतर्गत आने वाला क्षेत्र।”

[सं. एम-38013/21/92-एम.एम. 1]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 1st January, 1993

S.O. 156.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st February, 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue village of Vadakku-venganallur in Rajapalayam taluk of Kama-rajar District.”

[No. S-38013/21/92-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 4 जनवरी 1993

का.प्र. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैनर्स सी.सी. एल. की एरा कोलियरी के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं एल-20012/273/91आईआर (कोल-I)]

एच. जी. गौड़, डेस्क अधिकारी

New Delhi, 4th January, 1993

S.O. 157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ara Colliery of M/s. CCL and their workmen which was received by the Central Government on 24-12-92.

[No. L-20012/173/91-IR(C.I.)]
HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)
(d) of I. D. Act.

Reference No. 69 of 1992

PARTIES :

Employers in relation to the management of Ara
Colliery of M/s. C. C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 17th December, 1992

AWARD

By Order No. L-20012(273)/91-I.R. (Coal-I), dated, the 3rd August, 1992, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (i) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Ara Colliery of M/s. CCL Hazaribagh in retiring Smt. Jaso Kamin is justified ? If not, to what relief Smt. Jaso Kamin is entitled ?”

2. The order of reference was received in the office of the Tribunal on 25-8-92. After receipt of the order of reference, notice was sent to the Secretary, RCMS, Sarubera Branch, P. O. Chaipur, (Hazaribagh) for appearance and filing written statement on behalf of the worker. But neither the sponsoring union nor the concerned worker has taken any step to file written statement in this case. In the circumstances, I am constrained to pass ‘no dispute’ award in the present case.

3. Accordingly, I pass ‘no dispute’ award in the present case.

In the circumstances of the case, I award no cost. This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 4 जनवरी, 1993

का.प्र. 158 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स भारत कोकिंग कोल लि. मि. की सुबामाडोह इंसलाइन मार्ग के प्रबंध तंत्र के संबंध में नियोजन और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद का पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-92 को प्राप्त हुआ था।

[सं. एल. 20012 (347)/91-आर्डीआर (सी-1)]

एच. सी. गोड़, डेस्क अधिकारी

New Delhi, the 4th January, 1993

S.O. 158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of Sudamdih Incline Mine of M/s. BCCL and their workmen which was received by the Central Government on 24-12-92.

[No. L-20012(347)/91/IR(C.I.)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1) (d) of I. D. Act.

Reference No. 89 of 1992

PARTIES :

Employers in relation to the management of Sudamdih Incline Mine of M/s. BCC Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 18th December, 1992

AWARD

By Order No. L-30012(347)/91-I.R. (Coal-I), dated, the 27th August, 1992, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sudamdih Incline Mine of M/s. Bharat Coking Coal Ltd. Dhanbad in dismissing Sri Kailash Mistry, Ex-PRM vide their letter No. 998-1008/SMD/F-56/86 dated 21-2-86 is justified ? If not, to what relief the workman is entitled ?”

2. The order of reference was received in the office of the Tribunal on 10-9-1992. After receipt of the order of reference, notice was sent to the concerned workman, Kailash Mistry, Noonodih, Pargabad, New Colony, P.O. Jealgora, Distt. Dhanbad, for appearance and filing written statement. But the concerned workman did not take any step to file written statement. In the circumstances, I am constrained to pass ‘no dispute’ award in the present case.

3. Accordingly, I pass ‘no dispute’ award in the present case.

In the circumstances of the case, I award no cost. This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 4 जनवरी, 1993

का.प्र. 159 — केन्द्रीय सरकार का समाधान हो गया है कि को क-जिम में ऐसा अपेक्षित है कि कोल उद्योग को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची के मध 4 में निविष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए उपयोगी सेवा घोषित किया जाना चाहिए.

अतः अन्न, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) धारा 2 के खंड (इ) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/13/81-डी-1(ए)]

एम. एस. पराशर, सचिव

New Delhi, the 4th January, 1993

S.O. 159.—Whereas the Central Government is satisfied that the public interest requires that the Coal

Industry which is covered by item 4 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/13/81-I.R. (Policy)]

S. S. PRASHER, Under Secy.